



Unity Through Separation On the Construction of Danish Secularism

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UNITY THROUGH SEPARATION

*On the
Construction of
Danish Secularism*

*[05-05-2015: minor text
corrections]*

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PhD Thesis

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*To Maria and Hannah
who animate my dreams*

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*Hans Bruun Dabelsteen
Copenhagen, October 2014*

Chapter 1 Introduction

1.1. Jensen's call for mercy, the headscarf case and Danish secularism

It might not be an exaggeration to claim that Danish secularism is so intimately linked to the idea of a Lutheran people (*'folket'*), that debates on politics and religion and at times revolves around disagreement as to what 'Danishness' truly is. Allow me give two recent examples.

In a recent debate article from June 2014 the Minister of Trade and Development Mogens Jensen (S), a Social Democrat, attacked the nationalistic Danish People's Party for not being Danish enough.¹ This perhaps surprising accusation was launched in the aftermath of the European Parliament elections, where the Danish People's Party broke all records with one out of four total votes. The two traditionally dominating parties, the center-left Social Democrats and the center-right liberal Venstre, suffered a large set-back. The Danish People's Party's slogan during the election run up was 'More Denmark – less Europe' (see Dahl, 2014).

Jensen's claim was that the Danish People's Party, which was in opposition to the government, had ignored three principal Danish values in their political agenda: mercy [*'barmhjertighed'*], solidarity and openness. In the article he pointed to the sources of these values: they were Christian values, Social

¹ Political party names in relation to politicians have been abbreviated in the text unless it carries a particular meaning in the context. For a list of party names and abbreviations, see Appendix I.

Democratic redistribution along with cultural and economic openness. For the purposes of this introduction, let us focus on the first point on mercy.

‘Mercy’, the minister argued, stems from ‘the Danish Christian cultural heritage which most Danes are part of, including myself... As a Dane I am born with that basis’ (Jensen, 2014). After establishing that humanitarian aid, which he as minister of development is responsible for, is a mark of mercy in contrast to indifference, he then continued ‘As a nation we have been imbibed mercy with culture’s mother’s milk. Through the Christian Gospel, yes. But also through... the collecting boxes of the [humanitarian] organizations on the doorstep some Sundays a year.... If we now and again should forget about mercy, the Queen has been lovingly reminding us each New Year’s eve in over 40 years. But the history of the Danes as merciful people is being misrepresented and depreciated if Thulesen Dahl [the leader of Danish People’s Party] again one day becomes the editor-in-chief of the Danish story’ (Jensen, 2014).

The story of peoplehood and its relation to public religion is the main theme to be analyzed in this thesis. Jensen’s attack on his opponent Thulesen Dahl exhibits interesting traits of how ‘the Danish story’ and Christianity is actively being used in political language, in order to strengthen or undermine certain conceptions of national belonging, ethical worth and political trust. Indeed, Jensen went on to establish ‘The Christian cultural heritage is a part of most Danes including me. I love the songs, traditions and the message of mercy teaching us to love your neighbor as yourself. As a Dane I am born with that basis’ (Jensen, 2014). Thus evoking a certain story of God, Queen and Country in line with his own political establishment, Jensen tries to persuade Danish constituents of a certain story of peoplehood. And of course by stating that this story is the proper Danish one, the story promoted by the Danish People’s Party is inferior and perhaps even misleading ‘the Danish People’s Party owes us to

observe the promise of "more Denmark" – and start to take seriously the spirit of the people' (Jensen, 2014). Here, we clearly see an example – not particularly rare in Danish politics – of a strong particularistic notion of Danishness evoked to promote a range of other policies: European politics, foreign aid, export etc.

What is central in this case is the way religious heritage affirms political identity. Jensen does not question *if* Christian heritage is relevant in this matter, but rather *how* it is. As we shall see in the empirical analysis in later chapters, this take on the relation between religion and politics is characteristic of the kind of secularism Danish politics adheres to.

Take another recent example concerning the so-called 'headscarf case'. On occasion of Constitution Day 2007, former Prime Minister Anders Fogh Rasmussen (V) delivered an address on the importance of fundamental freedom rights to protect Danish democracy. He particularly emphasized the significance of keeping religion and politics separated to ensure equal treatment of all citizens: '...no matter if you are Christian, Muslim, Jew or whatever it may be. In fact, it would cause religious peace in the public sphere if we were much less concerned about religious symbols. It is remarkable how Muslim women wearing headscarves can cause tempers to flare. Just leave them be. Let the well-known Danish broad-mindedness [*frisind*] pave the way for the right to dress, as we want to – also in the public sphere' (Rasmussen, 2007). The following day, Supreme Court President Torben Melchior stated that it would be good for integration and societal development if more immigrants would become lawyers and judges, even Muslim women of faith with headscarves, as long as the face is not covered (Melchior as quoted in Jyllands-Posten, 2007). Nevertheless, Rasmussen and Melchior's call for less concern for religious symbols arguably proved to result in the opposite effect.

Indeed, what followed was a heated debate in the public media in which representatives from especially the Danish People's Party strongly criticized both Rasmussen's and Melchior's statements. The debate came to circle on the one side around the question of separating religion from politics, by preserving a fully religiously impartial and neutral court system. On the other side, it was argued that the parliament should not interfere and create rules for the judges, as this would infringe on the principle of the separation of powers. In

May 2008, the public debate reached its culmination when the Danish People's Party launched a nation-wide add-campaign in newspapers and posters depicting a female judge donned in a Muslim veil, the niqab, while holding a gavel. The title was: 'The Verdict of the Court is... Submission', see figure 1.

In the beginning of 2009 an amendment to the Administration of Justice Act was proposed by the government (supported by the Danish People's Party), removing the right to wear political or religious symbols formerly held by representatives of the court system, including judges. The argument was that it would '...support the common respect for and trust in the courts of law as The Judicial Power' (Folketinget, 2009c). Under protests from most consulted authorities, associations and boards representing judges, lawyers and law experts, the amendment passed in parliament 29th of May 2009 (see the consultation minute, Justitsministeriet, 2008).

Figure 1. Add-Campaign by the Danish People's Party, April 2007

THI KENDES FOR RET



UNDERKASTELSE

Det islamiske hovedbørklæde er symbolet på kvindens underkastelse. Islamisterne bruger det som stærkt og tydeligt tegn på deres dominans over både mænd og kvinder, muslimere og ikke-muslimere. Det drejer sig ikke om "30 gram stof". Det drejer sig om tyranni og underkastelse. Et flertal i Folketinget vil acceptere det i folketingsalen. Og Dannebrogstørelsen har besluttet, at du som borger fremover skal acceptere, at du i retten møder en dommer indhyllet i tyranniets slør. Stop det. Nu!

 **Dansk Folkeparti**
www.danskfolkeparti.dk Tel. 3337 9199 E-mail: df@df.dk

Gi os Danmark tilbage

Reference: Dansk Folkeparti, 2007

Figure 2. Logo of the Courts of Denmark.



Reference: Danmarks Domstole,
2014

What makes this example remarkable focus on two aspects. First, as the Danish Court Administration pointed out, there has never been any recorded cases of judges behaving so as to compromise their impartiality or neutrality in respect to religious or political symbols (Folketinget, 2008: 7). The law was thus changed due to the public debate on the *possibility* of

Danish judges wearing a Muslim headscarf in court. Secondly, though the debate and legislative amendment was directed at keeping the court system politically and religiously neutral, the very logo of the court system holds a crown with a Christian cross in it, see figure 2. In fact, the cross is present in most state power symbols, from the Danish flag to the logos of ministries, public administrations, passports and Danish Defense branches.

Together, these two aspects of the headscarf case teach us an important point about Danish secularism. Highlighting that even explicit efforts to separate religion and politics, by keeping the court system religiously neutral is enmeshed in state power symbolism in which the established church takes a central position. The *globus cruciger*, the cross-bearing orb [*rigsæble*] in the crown is a more than 1000-year-old state and monarchical symbol of belonging to the Christian confession in a Danish context.

The headscarf case can be seen first, as an example of the deep embeddedness of the Folkekirke and its symbolism representing Danish political identity. While it can be difficult to *distinguish* the two, the Folkekirke and Danish peoplehood, it is even harder to *separate* them. This is so, due to the fact the centrality of the Folkekirke in the narrative of Danishness does not become

subject to comprehensive political contestation. Second, the case is an example of a church-state regime being challenged by the emergence of citizens not being members of traditional institutions of national belonging, *in casu* the Evangelical Lutheran Church of Denmark. Today, many citizens entertain other traditions of expressing religious affiliation and devotion in the public. The old symbolic order, which is at one time secular and Christian, is thus perceived to be in need for protection.

In this thesis I hope to contribute with an analytical framework to make analytical sense of the above cases, by promoting a conceptualization of secularism, which pays particular attention to political identity. In this thesis secularism is treated as an ideological separation doctrine of religion and politics. Secularism relies on central principles such as religious freedom, religious equality and the religious neutrality of the state. But the given form secularism takes depends on the historical and political context, and thus the concept of secularism contains neither hostility nor favorable sentiments towards religion *per se*. There is not one universal version of secularism for all countries, but several secularisms with different national interpretations and ways of prioritizing these principles.

Following this understanding, the key research problem guiding the following chapters is *how we can conceptualize the current separation doctrine of religion and politics in a country like Denmark, where the structures of the established church and peoplehood overlap?* On the one hand I wish to discuss religion and state related to peoplehood at a conceptual level, and on the other hand I wish to apply the analytical framework developed on current and ongoing Danish cases.

Correspondently, I see two puzzles in relation to the research question. First, why has secularism theory generally not been accommodative to establishment regimes? A range of European countries like England, Denmark, Norway, Finland and Sweden are considered to be advanced liberal democracies, though not secular states in the sense that they do not institutionally keep the churches at a clear distance from the state. However there may be more to say about the secular status of such states than this. I argue that it does make sense to characterize e.g. the Danish separation doctrine of church and state as secularism, as Danish state law can be regarded as fully secular (e.g. not influenced by dogmatic reasoning or religious authority), and thus secures Danish citizens extensive religious freedom, freedom of association and expression and various forms of support to religious communities like tax exemptions and easy access for foreign religious leaders etc. However at the same time, the Danish constitution instructs the state to support the Folkekirke. Thus, secondly, while it is not clear that the Folkekirke enjoys far greater freedom rights or economic benefits per member than other religious communities when everything is accounted for (see e.g. Kærgård and Petersen, 2012; Gammeltoft-Hansen, 2002), the official symbolic order remains that there is religious freedom but not equality. This is because the Folkekirke is regarded as one of the essential symbolic sites of national belonging. How and why has the establishment regime and political identity merged?

The fairly strong particularistic notion of political identity, which Jensen expresses, is part of the reason why political opponents are occasionally portrayed as un-Danish or ahistorical. Significantly, when they dare to question the current institutional arrangement of what we might recognize as Danish secularism. As will become apparent in later chapters, the way Danish secularism interprets the principle of separation is precisely through

establishment: religious reasoning, conflicts and authority is perceived to be encapsulated in the Folkekirke, which for the same reason has been denied the possibility to speak with one voice as a religious community in public debates, and even to fully govern its own affairs. This way, religious conflict is kept away from politics. Other religious communities outside this main church-state arrangement enjoy full autonomy.

To interpret the political meaning of Jensen's call for a more true Christian spirit of mercy constituting Danishness, or the headscarf case, we will have to study not only the political identity formation of Danish peoplehood as it is expressed in political language, but also the dominating doctrine of separation.

1.2. A framework to interpret the place of public religion in politics

In the following chapters I will discuss and develop a conceptual framework based on secularism and peoplehood theory to interpret such state-church regimes as the Danish. However, why is this approach to ideological language governing religion, politics and peoplehood important? Allow me briefly to touch upon three reasons.

First of all it is important because regimes like the Danish are often not recognized as secular states due to their establishments. This is so both in the academic literature and in their own public debates, where 'secularism' frequently is used to signify an anti-religious position in politics, in contrast to the traditional pragmatic way of governing public religion. The problem then is that too little attention is being directed towards the principles and logic behind the actually existing separation doctrines in these countries. In that connection a concept of secularism recognizing a theory of peoplehood offers a nuanced and promising framework, in order to better understand such regimes.

One main claim in this thesis is that we need to carve out a place *within secularism theory* for secular, democratic regimes with established religion. The purpose is not to justify or normatively evaluate such regimes, but rather to draw attention to these as relevant for secularism theory – and vice versa: that secularism theory is relevant for these regimes. I attempt to render this claim probable by one hand showing how a modest kind of establishment can be compatible with political liberalism, insofar as such regimes in practice treat religious communities and citizens as equals despite only one religion symbolically hold a privileged status (in Finland two denominations are established). On the other hand, I wish to point to the importance of concrete cultural context for distinguishing between different types of secularism. In this respect I focus on the production and reproduction of political identity, or peoplehood, as an important element. Thus, I argue that it is not only how religion and politics is arranged institutionally and the political principles used to justify this, which are relevant to understand secularism, but also the kind of peoplehood evoked in the process. That is, how unity is produced through separation.

In relation to the Danish case, it is particularly relevant to discuss political identity in connection with secularism. As I have argued elsewhere, there seems to be a 'blind spot' in the Danish political self-understanding, which is related to the very *raison d'être* of the established church-state arrangement, *the Folkekirke* (e.g. Dabelsteen 2011b: 115). The relation between the Folkekirke and the state is often considered to be a given part of the national identity – something utterly Danish and traditional (see e.g. Gundelach, Iversen and Warburg, 2008; Dabelsteen 2011a: Chapter 3; Østergård, 2012).

The relation between Folkekirke membership and citizenship did not pose any problem as long as every citizen was member of the same church, as was in

fact the case in 1849, when the current governance structure of the church-state arrangement was established. Back then, there existed an almost-perfect sociological overlap between the two communities with an astonishing 99 percent of the population being members of the Folkekirke and at the end of the Cold War in 1989, 90 percent were still members (Kirkeministeriet, 2014c). However, as Danish society is facing increased cultural and religious pluralization, now roughly 25 percent of Danish citizens are not members (a number still rising). Therefore, it becomes relevant to ask which role the Folkekirke play in contemporary politics related to identity and religion in general.

If we do not have a proper framework through which we are able to distill and interpret the political meaning of such cases, we will have a difficult time understanding the development in much political thinking – especially in a time of increased multiculturalism. This is the *second* reason why the proposed analytical framework is important: To understand the direction changes are taking due to the challenge of multiculturalism, we must first understand *what* is being changed.

As one of the most influential thinkers of our time, the Canadian philosopher Charles Taylor recently noted: ‘I believe that secularism and multiculturalism are converging. Put somewhat less enigmatically, the issues about the proper regime of secularism in Western democracies are becoming more and more interwoven with issues about proper ways to deal with the growing diversity of these societies’ (Taylor, 2011: 77). He points out that a central ethical challenge of our time is to deal with deep cultural and religious plurality in secular, liberal democracies. Democracies which were forged in largely mono-religious, social contexts. In virtually every Western society we can observe public religion becoming center of emotional and controversial political

debates, and often these debates stem from tensions between the majority culture and various minorities. Importantly, these tensions are frequently structured around perceived religious identities, like Christian or Muslim values or even traditions.

When Taylor speaks of the convergence of secularism and multiculturalism, he states that pertaining to the ongoing political negotiation of the boundaries between religion and politics – between church and state – religious minority claims of equal recognition and rights are increasingly becoming relevant across different governmental systems. In particular from secular republics like France or the USA, to constitutional monarchies with established churches like England or Denmark.

Indeed, much social science literature has been preoccupied with issues of public debate such as burkas in the public space and freedom of religion (e.g. Joppke, 2009), the Cartoon Crisis and freedom of expression (e.g. Klausen, 2009), the fear of Islamic radicalization and civil rights (e.g. Norton, 2013), building of mosques and equal religious rights (Lægaard, 2010) etc. Such issues in the public debate emerge from what has often been called the challenge of multiculturalism raising profound questions to our societies including freedom rights, tolerance and what constitutes 'us' as a national community.

In a Northern European context there has been a tendency in political science studies of religion and politics to be preoccupied with such multiculturalist challenges (cartoon crisis, radicalization, burkas, mosques etc.). Rather than analyzing the structure and principles of the relations between the

established religious majority and the state. Instead, we have seen more studies on the effects of a given doctrine being tested, rather than studies on the very doctrine itself.²

In these years the Danish doctrine of secularism seems to be hit by a double whammy of increased religious and cultural pluralization of society, and an international context in which still more countries separate public religion and state by mutual exclusion (rather than establishment). Significantly, the Danish case is not alone in these challenges. Other European countries face similar tensions between traditional institutional arrangements and political identity on the one side, and multicultural pressure testing these regimes on the other.

I believe that the challenge of multiculturalism demands for theories of secularism to consider issues of political identity, in addition to principles of separation. This insight I propose we should carry over into our studies of traditional institutional arrangements, which were forged in earlier times when populations in Europe were much more homogeneous religiously and culturally. In other words, now that time-honored and historically accepted ways of arranging the relationship between the state and majority religious communities

² It would be wrong not to mention the existing efforts in a Danish context. We have seen some attempts to conceptualize the principles of the Danish separation doctrine: e.g. on welfare and Protestantism by Tim Knudsen, 2000; a macro-sociological investigation of the religious roots of the welfare state by Aage B. Sørensen, 1998; a historical study of the church-state relation by Jens Rasmussen, 2011 inspired in part by H.J.H Glædesmark, 1948; an ecclesiastical law study by Lisbet Christoffersen, 1998 focusing on the Folkekirke as a legal entity; Margit Warburg's studies of Danish civil religion, e.g. 2005; not to forget some of the relatively few existing secularism studies of Danish politics by Mouritzen, 2006, Christensen, 2010, Berg-Sørensen, 2010, Lægaard, 2014.

are being challenged by growing minority religious communities, I argue we will have to discuss the very principles and values constituting the old arrangements (see also Dabelsteen, 2011a; 2015). Hopefully, this study can act as a step towards a better understanding of this development.

This brings me to the *third* and final reason why the suggested analytical framework is important. It is an attempt to bring political context closer to the study of secularism in political theory. In recent years there has been changing generations of literature describing the role of public religion in the political sphere, drawing upon the concept of secularism. The development in much of this literature has been motivated by the drive to move ‘behind’ or ‘beyond’ the distinction between religion and politics. Therefore, without dismissing the normative salience of such efforts, I argue that we cannot and should not overlook that the religion-politics distinction is a continuously crucial idea in the reality of politics today, and as such should warrant scholarly attention. Let me expand on this final point by drawing up the contours of a theoretical development.

In the first generation of newer secularism literature throughout the 90's, secularism stood at a crossroad. As an example, Rajeev Bhargava famously asked in the influential anthology *Secularism and its Critics*: do we need an alternative to secularism or an alternative formulation of secularism? (Bhargava, 1998: 2, see also Walzer, 1984; Bilgrami, 1994; Audi, 1989; Nandy, 1990; Galeotti, 1993). Back then, the question was motivated by the critique that secularism was not able to address the problems it set out to solve: to manage religious conflict, to check fanaticism and extremism or to maintain a well-functioning democracy by establishing an even playing field for all actors irrespective of religious affiliation. Not at least, this discussion emerged in parallel to the increased focus on the challenge of multiculturalism. Should the political principles on which our

matured liberal democracies are based merely be affirmed and strengthened, or should they be reformulated to accommodate the increasingly multicultural societies? That is, should we abandon secularism as a political concept all together?

During the next decade, new arguments emerged in what we might call the second generation of secularism studies. The idea was that modern society with its functional differentiation (including the secularization process of separating church and state) was perceived by many as changing into a post-modern society, indicating its decentralized and individualized structures within networks. Thus, the function of secularism separating religion and politics also became outdated in much literature. Now, *post-secularism* indicated a shift in the perceived role of the relationship between religion and politics and as a consequence, the very meaning of both. As Habermas pointed out, public consciousness in Europe 'still has to adjust itself to the continued existence of religious communities in an increasingly secularized environment' (Habermas, 2008a: 19). In this way the secularization thesis and its normative implications, understood as the decline and repression of religion by still more enlightened citizens, appeared obsolete. Rather, secularization was understood as the pluralization and diffusion of religious authority (Casanova, 1994; Taylor, 2007). Thus, it did not make sense to rely on modern separation logic in a post-modern political world in which religion had not disappeared and therefore remained relevant. To some extent, post-secularism came to be understood as a debate on whether the political principles of secularism are still sufficient, or whether the prevalence of religion in postmodernity should make us think differently about the relation between religion and politics. Further and perhaps most crucially, it asked whether religion holds a sense of moral potential that contributes to secular society if properly translated. If so, what would the consequences be for

our conception of principles such as religious freedom, religious equality, state impartiality and neutrality towards any religion?

As the discussion on post-secularism continues, new voices are being heard possibly indicating a third generation of secularism studies. While the description and solution of post-secularism anchored its critique of secularism's notion of religious life and political relevance, it never sufficiently disassociated itself from the old understandings of the secular. The secular, the argument goes, is just as dependent of the old understanding of religion as religion is dependent on the secular. The third generation is thus a critical meta-perspective on the religio-secular distinction, and of the potential biases resulting from reading the political world through such a lense. We have arguably seen critical readings of secularism in earlier works of William Connolly's *Why I am not a Secularist* (1999), Talal Asad's *Formations of the Secular* (2001) and Charles Taylor's *A Secular Age* (2007), but from the beginning of the new decade of the 21st century, there has been calls for a perspective going *beyond* religion and the secular, that is, seeking a perspective both post-secular and post-religious (e.g. see *Secularism and Religion-Making* edited by Dressler and Mandair, 2011, or *Beyond Church and State* by Scherer, 2013). Similarly, a forthcoming anthology edited by Cecile Laborde and Jean Cohen even carries the title: *Beyond Post-Secularism*, containing reflections of this theme.

Of course, the phases described above are somewhat crude and overlapping. But still, one might wonder if we are running out of prepositions when describing the role of public religion in the political sphere. Either this third generation of secularism studies signifies the final farewell to perceived modernist concepts of religion and the secular, or some fourth perspective will emerge (the reentry of secularism?).

In the introduction to Will Kymlicka's *Multicultural Citizenship* (1995) he noted that while most political communities have been multiethnic and multi-religious '...most Western political theorists have operated with an idealized model of the polis in which fellow citizen share common decent, language and culture' (Kymlicka, 1995: 2). Kymlicka's point being that liberal theory needed to catch up with practice in order to gain a more accurate understanding of political context (see also Modood, forthcoming: 1). When it comes to secularism theory and the question of public religion in politics, I suspect there is a similar situation. During the last three decades, theorists have treated religion in quite different fashions. Either as a relic from the past, an obscure or even museological phenomena containing pre-modern and modern ideas; some have treated it agnostic but argued for its removal from politics. Some have also been searching for possible comparability between a post-modern religiosity and the secular sphere; while others treat the religio-secular dichotomy as a certain global view in need of critical scrutiny and normative (re)evaluation.

However, if we take a minimalist understanding of secularism to mean the separation of religion and politics, I am not sure that political theory is in urgent normative need of moving *beyond* this relation, because religion has never been politically irrelevant. Rather, I see a methodological need to bring political practice and context closer to theory.

I think the German philosopher Ernst Cassirer made a critical point in *The Myth of the State* when he wrote: "'The world of Marduk", says the Babylonian epic of creation, "is eternal; his command is unchangeable, no god can alter what proceeds from his mouth." The world of human culture can be described in the world of this Babylonian legend. It could not arise until the darkness of myth was fought and overcome. But the mythical monsters were not entirely destroyed. They were used for the creation of a new universe and they still

survive in this universe' (Cassirer, 1974 [1946]: 298). In this book, his agenda was to understand how political (totalitarian) myth could come to light so vividly in our age despite modern reason and progress. In the final passages of the book he acknowledges that myth is an indispensable part of human and social nature, even in our language. For that reason myth, here conceived as religion, is more than merely a political inclination. It is a constitutive component of human civilization, in other words the political.³ I think Cassirer was right to point out that religion is an inescapable part of political life *irrespective of our normative expectations*. As we shall see, public religion contributes to the constitution of the political identity of a nation. For example, it can take the form of perceived providence (i.e. the chosen people) or different doctrines of how religion is regulated by the state. The student of the political world thus should engage in how religion is being used ideologically, animating the political language and thinking in certain directions.

³ Cf. Clifford Geertz, who famously wrote: 'Thrones may be out of fashion, and pageantry too; but political authority still requires a cultural frame in which to define itself and advance its claims, and so does opposition to it. A World wholly demystified is a world wholly depoliticized...' (Geertz, 2000 [1983]: 143). For an interesting recent systematic restatement of myth in political philosophy, see e.g. Chiara Bottici's *A Philosophy of Political Myth* from 2007, in which 'a political myth can be defined as the work on a common narrative by which the members of a social group (or society) make significance of their political experiences and deeds.' (Bottici, 2007: 179). This definition both builds on and criticizes Cassirer's work (for being too focused on a single totalitarian myth). Importantly, as both Cassirer and Bottici points out, religion and myth does not coincide conceptually, but are interconnected phenomena (see Kirk, 1970: 29-31; Bottici, 2007: e.g. 137, 178).

To be sure, in this thesis I will not question the diagnosis that multiculturalism seriously challenges existing practices of secularism, that 'religion' and 'the secular' have been (and still are) undergoing connotative developments, or that this distinction shapes our very horizon of political understanding. Rather, throughout the thesis I build on many of the thinkers behind these claims. However, what I question is the impetus in some literature that asserts ideal visions of the political to reality in order to understand it. That is, reading political cases with the purpose of identifying what is right or wrong according to ideal, just principles. To a much larger extent, we should supplement our political theory with actual political thinking and ideology present in the policy area of religion and politics (not unlike Veit Bader's 'plea for an institutional turn' in the direction of a contextualized political theory, see e.g. Bader, 2007: 92). With a focus on the English political theorist Michael Freeden I question a political theory, which seeks to rest solely on prescription or recommendation in its approach to the political world, in which case it 'transforms itself into either ideology or political philosophy, occasionally into both.' (Freeden, 2013a: 53). Instead of trying to move beyond secularism or post-secularism, perhaps we should try to understand better the dynamics and meaning embedded within actual political practice.

Allow me to briefly describe the following chapters in which I will attempt to approach the research question.

1.3. The structure of the thesis

In Part I of the thesis I begin by assembling and developing the analytical framework as mentioned above.

In chapter 2 I consider how we might think of four different ideal-typical secularisms based on the particular discussions of Cecile Laborde, Rajeev Bhargava and Charles Taylor's definitions of secularism, along with Rogers M. Smith's theory of peoplehood. I suggest that we can distinguish different kinds of regimes by taking into account the type of separation and peoplehood supported. At the same time, this also allows me to advance the proposition that secularism does not entail one model of church-state relations, but instead a variety. Indeed, secularism should be understood as an ideological concept through which we can analyze how different democratic regimes make their varied distinctions between religion and politics. Some have a principle-based approach as a wall of separation or *laïcité*, while others adhere to a more pragmatic approach such as modest establishments. The argument therefore provokes the interesting question that within a Western context, it is not whether a country is secular or not (I argue most advanced liberal democracies are). Rather, we should ask *how* a given country's separation doctrine prioritizes various political principles, what the resulting institution expression of this is and what the arguments are supporting this. As I will show throughout the thesis, secularism works at an institutional level (the formal relationship between church and state), a level of identity (contributing with a particularistic or universalistic theme in the story of people) and a level of ideas (it follows certain interpretations of liberal principles such as of religious freedom and equality). On this basis, I begin my conceptual reconstruction of Danish secularism by suggesting that we might think of it in terms of the so-called

'modest establishment', potentially being compatible with political liberalism. This reconstruction will be empirically reflected upon through the following chapters and completed in chapter 7.⁴

In *chapter 3* I then turn to the methodological considerations, which this analytical framework gives rise to. In particular I consider the interpretive ideological analysis of Michael Freeden, and his ideas of how we can approach the political world, what we can know about it and how this will play a central role in the thesis. As this study methodologically is placed between political theory and interpretive policy analysis, I will not primarily be interested in the degree a given country has succeeded in implementing abstract ideals or how efficiently it has been done. Instead, what the actual political practice and ideological language supporting this *means*.

Having discussed and presented my analytical approach, Part II of the thesis turns to the empirical studies of secularism and peoplehood. If we are to understand the principles guiding much ideological language and practice today, the historical roots are a central part of the relevant context. Thus, in *chapter 4* I reflect upon historiographical readings of Danish secularism, focused on the period leading up to the founding of the modern Danish state in 1849. This reading seeks on the one hand to trace some of the main components of today's separation doctrine and its historical roots. Specifically, I identify three important visions or models of church-state relations represented by three political figures: the State Church Model represented by J. P. Mynster; the

⁴ The conceptual expansions in chapter 2 and the reconstruction of Danish secularism is based partially on the arguments found in Dabelsteen, 2015.

Independent Church Model represented by H. N. Clausen and finally the Civil Church Model represented by F. S. N. Grundtvig. Whilst on the other hand, I attempt to trace the development of the Danish separation doctrine by reading Danish secularization history, conceptually inspired by Charles Taylor. I point towards four main drivers of the development of Danish secularism: The emergence of enlightenment-inspired liberal ideas, the emergence of revivalist groups, the struggle for recognition by the 'dissenting' religious communities, and finally the emergence of the romanticist notion of the people.

Having focused on the tradition of the Danish separation doctrine historically I then turn to two recent cases in Danish politics, which in different ways help expose certain key aspects of the separation doctrine. These policy analyses are part of my argument to contextualize the reconstruction of Danish secularism and to achieve an empirically rich understanding of current political thinking in this policy area. The first case in *chapter 5* represents a recent case of Danish legislation allowing same-sex church marriage. After briefly laying out the political and historical context of same-sex marriage, I analyze the policy. Especially, the parliamentary debates and legislative work leading to its realization. I find that this case can teach us something far more general about secularism: that the policy not only concerns the rights of homosexual citizens, but also the affirmation of a particular cultural norm in Danish political identity, as well as a particular notion of the Folkekirke in the public sphere.

In *chapter 6* I then turn to an analysis of the ongoing reform process of church-state relations. Again, after briefly contextualizing the policy historically and politically, it turns to a systematic analysis of central texts of the current process. In this case it becomes apparent that a cornerstone of the struggle between the two positions of Danish secularism is the meaning of religious freedom: should it be granted to individuals only, or should it protect some

degree of autonomy of the Folkekirke as an independent religious community (like other religious communities in Denmark)? I argue that the conception of religious freedom, which will dominate the new governance structure (if reformed), will have great influence on the development of Danish secularism. That is, it will not only influence the relation between the Folkekirke and state, but potentially the relationship with all religious communities.

In *chapter 7* I then complete the analysis of the Danish separation doctrine by suggesting a conceptual reconstruction. In the former chapters, I identified the existence of a dominating discourse amongst leading Danish politicians merging liberal political principles with an idea of the Christian Danish people, and as a result, the established church as a public good and an important site of national belonging. Within this discourse I then identify two different interpretations differing, especially in their take on religious equality and the status of the established church as a religious community. By applying the conceptual framework developed in the beginning of the thesis, this offers an analytical language by which we can interpret the ideological discourses. I reconstruct the two positions as *assertive Danish secularism* and *accommodationist Danish secularism*, respectively.

I conclude the thesis in *chapter 8* by returning to the question of how multiculturalism and religious pluralization – including the growing group of citizens not affiliated with a religious community – challenge the majority narrative outlined in the preceding chapters. I point out that the doctrinal status quo of Danish secularism will have a difficult time accommodating the multiculturalist demand of equal recognition of religious communities without seeing substantial institutional reforms.

PART I

Chapter 2 Theory and concepts of secularism

2.1. Introduction

The primary aim of this chapter is first to provide a broad argument about the concept of secularism itself, and second to build on this conceptualization in order to reconstruct Danish secularism. The Danish doctrine separating religion and politics in general, and the religious communities and state in particular, tells the story of one kind of ideal-typical secularism often overlooked in the general literature on the topic.

Thus, the question guiding this chapter is: How can we think of a kind of secularism within a framework of established religion, justifiable from the perspective of political liberalism?⁵ As such, this discussion should be of

⁵ In this thesis, political liberalism is referring to a Rawlsian perspective, see section 2.2. below. However, let me clarify my use of *liberalism* as a concept in this thesis. Though I build parts of the discussion on the concept from political philosophy, I wish to emphasize that I do not assume its pure existence (or appliance) in political reality in Denmark or Western Europe. However, I do find it useful to trace its influence as a political logic in the ideological language and actions of political reality. As Freeden has argued, 'Adequate – if inevitable partial – illustration is feasible...' Thus, we should not '...aim to construct an encyclopaedic compendium of the conceptual variations within given ideologies but to demonstrate, through a selective use of sources past and present, the dominant features of those ideologies and the range of their conceptual decontestations.' (Freeden, 1996: 139). To mention but a few recent and related approaches to studies of liberalism in European politics, though not necessarily subscribing to Freeden's interpretivist realism (on his own analyses, see the collection articles in Freeden, 2005b: Part II), see Connolly, 2000 on liberalism,

relevance for several European countries displaying similar properties and for reflections on religion and politics more generally.

For this purpose, I propose two conceptual expansions to the concept of secularism taking a Rawlsian perspective as the point of departure. The *first* is that a modest kind of established religion can be compatible with secularism justified within political liberalism. This builds on the premise that Rawlsian constraints on public reason are indeterminate, particularly when it comes to justifying the concrete institutional arrangement of state and public religion affairs. The *second* expansion embraces a deeper integration of separation doctrines into a theory of peoplehood. It is argued that we would expect to see no doctrine of separating religion and politics without a concomitant claim to political unity of a community that would be endangered without such separation.

While many theorists reject the idea of any institutional establishment being compatible with liberal principles (e.g. Habermas, 2008b; Rawls, 1997; Bader, 2007; Audi, 2011; Bhargava, 2009 to mention a few prominent), this claim has been forcefully made before in a variety of versions, such as Tariq Modood's moderate secularism (2013), Daniel Brudney's noncoersive establishment (2005), Cecile Laborde's modest establishment (2012; 2013: chapter 8), or Sune Lægaard on some forms of religious establishment (2013).

nationalism and Aboriginal rights; Joppke, 2009: 107-126 on liberalism and Muslim integration in European societies; Mouritsen and Olsen, 2013 on liberalism, nationalism and immigration in Denmark; or a concept historical study of liberalism in Denmark 1840-1940, see Nevers, 2013.

A recent anthology, *Secular and Sacred? The Scandinavian Case of Religion in Human Rights, Law and Public Space*, even argued for the existence of a kind of Lutheran secularity (see Breemer, Casanova and Wyller (eds.), 2014). The editors note in the introduction that there has been a lack of awareness of this Lutheran variant, based in the intertwinement of religion and politics, instead of considering the Nordic countries as representing an incomplete secularity because of their established churches. Two contributions from here, Knut Ruyter and Jose Casanova argues that the 'Nordic pattern of secularization' should be distinguished from a Southern Catholic and an American pattern, by the fact that the former pattern does not differentiate religion and politics as much as it integrates them (Casanova, 2014: 24-25; Ruyter, 2014: 198-199).

While I too argue that Northern European established church arrangements should not be considered as an incomplete or distorted secularization, but as systematic doctrines in their own right, I am reluctant to recognize this intertwinement (see also Christoffersen, 2006) as an antonym to separation.

One reason, which is at the heart of chapter 4 is that it turns our attention away from the fact that e.g. Danish and Norwegian regimes was historically a result of a particular interpretation of liberal and Natural Law ideas of separation, and not its antithesis. I would argue that any meaningful application of 'secularism' is based on the core component of separation (which can take different forms), and thus the kind of 'secularization without unchurching' (Casanova, 2014: 27) should also be understood in this light. Another reason, which will become apparent in this chapter, is that this distinction between intertwinement (or soft deconfessionalization) and separation underplay the importance of peoplehood in the separation process by being too focused on the institutional and legal history.

In this connection, with the second conceptual expansion, I hope to contribute with a more nuanced conception of two kinds of establishment compatible with political liberalism. One based on a particularistic conception of political identity, and one on a universalist conception. Through the chapter I will attempt to show why these expansions are necessary in order to approximate a more nuanced categorization of secularism sensitive to political context (a point I will return to in chapter 3).

The chapter proceeds in section 2.2 where I set out by reviewing the central positions in the political theoretical debate on secularism, in order to identify my own point of departure. This allows me in section 2.3 to create a mapping of the discussion on secularism structured by the first conceptual expansion, while section 2.4. is dedicated to the second. In section 2.5. I briefly discuss Talal Asad's notion of secularism, before the concluding remarks in section 2.6. To be sure, secularism can be a useful analytical concept, but not just any kind of secularism for any political context. As the empirical chapters 5 and 6 will show, the particularistic modest establishment of Danish secularism sometimes steps beyond what can be justified by rights-based liberalism and republican non-domination.

2.2. Whither secularism?

As mentioned in the introduction, there has been an increasing sense that the premises on which secularism once was built no longer hold the same legitimacy.

A fairly prevalent version is represented by William E. Connolly who argues that 'the historical *modus vivendi* of secularism' which sought to 'chasten religious dogmatism and intolerance' today has a blind spot: 'the single,

authoritative basis of public reason and/or public ethics that govern all reasonable citizens regardless of “personal” or “private” faith’ does not honor the present need for ‘a vibrant public pluralism’ containing both religious and irreligious perspectives (Connolly, 1999: 4-6).

I believe this perception of legitimacy-in-crisis relating to secularism rests first on the notion of the cultural and religious composition of populations, becoming increasingly more heterogeneous and thus not supporting one, but diverse and multiple comprehensive doctrines. This overlaps with the second notion, which is that the social imaginary supported by secularism has changed – a notion perhaps best captured by Charles Taylor. Taylor points out that the conditions under which modern separation doctrines function have changed considerably from what he termed a Durkheimian imaginary (i.e. a sacralizing societal order, or later, building a modern political identity around a religious core) to a post-Durkheimian one today (on secularization, see chapter 4). The latter supports what Taylor famously has called the ‘immanent frame’, which potentially fosters a deep plurality of ways of life exacting a social moral order beyond the old dichotomy of religion/politics (Taylor, 2007: especially Part IV).

While I juxtapose Connolly and Taylor in this context, it is worth noting that Taylor seems to share Connolly's understanding of a self-referential secularity narrative blind to its own seemingly ‘neutral’ moral foundation. He focuses more on the transformation of a world of providential order united by religiously

defined political identity mobilization, to an increasingly immanent world structure which is closed to religious epistemology (Taylor, 2007: chapter 15).⁶

The resulting crisis of legitimacy is thus not of a legal kind as lack of harmony between law and separation doctrine, but one related to the democratic regulation of people in a society of late modern social imaginaries (on democratic public reasoning and legitimacy as developed by Connolly and Taylor, see Redhead, 2006: 642; Connolly, 1999: esp. chapter 7; Taylor, 2007: 445). Culturally fragmented populations, which secularisms regulates as a whole, has changed to such a degree today that it is unclear what kind of values secularism promotes, and for whom.

If we accept this diagnosis of secularism today (which I see no reason not to), we might also agree that any discussion on secularism must begin with the question posed by the Indian political theorist Rajeev Bhargava (1998; 2009). If the very foundation on which secularism is supposed to built upon is corroding, should we then seek alternatives to secularism or alternative conceptions of secularism? This question in turn reflects at least two approaches to secularism in the literature. Though often overlapping, they depart from different perspectives.⁷

⁶ I thank Rogers M. Smith for pointing this out. In this juxtaposition I do not engage in Connolly's recent discussion of Taylor's perhaps too rigid distinction between a tradition of immanent naturalism and transcendence, see Connolly, 2010.

⁷ Here, I choose a slightly different categorization of secularism literature than introduced in chapter 1, as it serves another purpose in this discussion. While the generational categorization described in the introduction can be conceived as an ongoing conversation on secularization as the condition of possibility of

Secularism for some has come to be equated with the institutional policy of separating religious beliefs and practices from the state, justified in ethical principles of individual rights (as portrayed by e.g. Bader, 2007: 94). From this perspective, secularism is the ideological concept that can be labeled naturalist humanism, 'neo-Kantian' or 'postmetaphysical' secularism in Connolly's words (2011: 648). It is rooted in post-Enlightenment ideas of promoting rationality, disenchantment and human prosperity by self-creation. This position is often identified with French style republicanism in the form of 'laïcité de combat', with exclusion of religion from the public sphere and state neutrality towards religion (Laborde 2008; Joppke 2009).

Such a social imaginary founded in reason, completely detached from any notion of transcendence, not only seeks to separate religion from the political sphere but also pursues an independent public ethics to 'govern all reasonable citizens regardless of "personal" or "private" faith' (Connolly 1999: 5: see also Scherer 2009: 63; 2013: 21). As such, supporters of this kind of secularism in their demand for pure public (i.e. 'secular' or non-religious) reason as the backbone of democracy are often identified as secularists (as e.g. Habermas does, see Habermas, 2009: 74; or Connolly, 1999). In turn, these secularists and their political agenda are fairly or unfairly contrasted to more pragmatic and not-so-hostile political approaches to religion. One could mention strategies

secularism (and for some even its the ontological status as a political category, see e.g. Scherer, 2013: 5-12), the categorization presented here is rather guided by how secularism is treated. As a doctrine of strict separation or as an analytical concept (stemming from Bhargava's question on analytical expediency of secularism)?

such as Connolly's 'deep plurality of religious/metaphysical perspectives... incorporated into public discourses' in a democratic culture or ethos of 'profound contestability of deep judgments..., forbearance and generosity' (Connolly, 1999: 185-186). Or 'institutional pluralism', which is thought to be more in accordance with decent liberal morality and tolerance in conditions of deep pluralism (Bader, 2007: 92).

Another perspective in the literature insists on maintaining secularism as a significant concept in a democratic context. From this perspective, rather, the agenda is to accommodate and reconstruct secularism so as to meet the new social conditions and political demands of modern liberal democracies (e.g. Taylor, 1998 or Bhargava, 2009). Secularism is seen not as *one* universal prescription of the relationship between religion and the state, but instead as a contextualized, systematic response to certain political principles such as religious freedom, equality or even state impartiality. Thus, we can imagine various secularisms compatible with *justifiable* state policies and practices according to different national contexts, what Bhargava theoretically has called 'contextual secularism' (Bhargava, 2009; 2013). For Bhargava secularism can be justified particularly if formal separation is understood as principled distance rather than mere exclusion, that is, not equal distance but equal treatment of religious communities by the state (see also the discussion of this idea in section 2.3.) Others have correspondingly operated with the notion of viewing secularism from a comparative perspective (e.g. Laborde, 2008; Jakobsen and Pellegrini (eds.), 2008; Kuru, 2009; Cady and Hurd (eds.), 2010; Warner, Vanantwerpen and Calhoun (eds.), 2011; Berg-Sørensen (ed.), 2013), thus pushing less for secularism as a prescriptive agenda, and more as a critical-analytical tool to understand and compare different traditions of relating religion to politics.

This thesis departs from the latter perspective. No more than we can assume the exclusive existence of only *one* version of secularism in a given national context, we can assume a universal 'blue print' model of state-religion regulation across all liberal democratic states. However, this does not imply the rejection of secularism all together as Bader would have it (Bader, 2007: 94).

Bader has recently summed up five reasons for rejecting the concept of secularism (2011). 1) Secularism is too fuzzy a concept, 2) liberal-democratic constitutions can do the job without secularism, 3) the morally significant issue is not if a state is secular, but whether it is liberal-democratic, 4) secularism is potentially in conflict with liberal-democratic constitutionalism and 5) it blurs our attention towards tension between liberalism and democracy. I will reject all five objections for the following reasons. First, to identify a significant idea or doctrine as being fuzzy or cacophonous should not in itself disqualify it as a useful analytical concept in a contextual-sensitive political theory. With Michael Freeden we should rather expect any political concept to be ambiguous and indeterminate both in theory and in practice (see Freeden, 2005a). By the same token, I am not convinced that Bader's own preferred associational democracy supporting a 'politics of maximum accommodation within the constraints of moral minimalism' (Bader, 2007: 292) intuitively makes for a less fuzzy case in relation to governance of religious plurality. Secondly, while it is true that constitutional language rarely take use of 'secularism' or 'the secular state' we cannot derive from this that secularism, as an ideological doctrine consisting of various concepts like religious freedom or religious equality, is not a relevant systematic way of thinking politically in political reality. This point is related to my third answer. While I agree that it is more important that states and politics are conducive to liberal-democratic principles than whether they are secular in an immediate moral sense, secularism might still be a relevant concept in many

political contexts. For example, secularism as an analytical concept can be useful in contexts where principles of separation are considered so natural and decontestable that just naming the presence of the concept in the political discourse does much critical work. In other words, at the level of interpretation (and not prescription) I argue we are still in need of secularism as a concept (on interpretive realism, see also Freedman, 2012; 2013: 54-66). The fourth and fifth reason Bader provides for abandoning secularism I agree with in so far as we are targeting a strict, wall of separation-style doctrine legitimized by an 'independent political ethic' as Charles Taylor has identified it (see e.g. Taylor, 1998: 33). But in the form of e.g. Bhargava's contextual secularism legitimized by principled distance (see Bhargava, 2006: 648-653), we might not face such tensions vis-à-vis liberal democratic constitutionalism, which Bader points to. Coming from a Freedmanian approach to politics and ideology, I am not convinced that Bader is able to stand on a platform distant from ideology or philosophy, made out of 'a meta-constitutional and meta-legal theory explaining the constitutional essentials...' (Bader, 2011; see also chapter 3).

In the context of Western democracies, separation of religion and politics often connote liberal freedom principles. Therefore by confronting liberal principles of secularism with different empirical contexts, we might ask what it means to separate?

2.2.1. Separation of what?

At the end of his career John Rawls was particularly interested in seeking out ways to think of a just liberal, political society: 'How is it possible for citizens of faith to be wholehearted members of a democratic society who endorse society's intrinsic political ideals and values...?' (Rawls, 1997: 781). To be sure, this

question still seems to linger in political theory. Cécile Laborde has recently pointed out that the demands of liberal justice are inconclusive on whether the liberal state should 'be a state of separation (of state and religion) or of recognition and establishment (of religion by the state)' (Laborde, 2013: 67).

Taking a mainstream Rawlsian understanding of liberalism as a relevant point of departure in connection to secularism, I follow Cécile Laborde. She points out that his notion of liberalism not only tries to explore how liberal rights secured by the state can be legitimized in a society, particularly one characterized by deep plurality of comprehensive doctrines, but of these Rawls pointed to religion as one of the most important. That is, he invited us to explore how we offer political reasons to grant each other equal rights in a world of potential religious conflicts (see Laborde, 2013: pp. 69).

What are then the demands of liberal justice? Rawls captures these in the proviso of political liberalism pertaining to political and social institutions. Regardless of one's actual background reasons (e.g. religious), political arguments should be translatable into *public reasons* with the ability to 'be affirmed by all free and equal citizens, given the fact of reasonable pluralism' (Rawls, 1997: 776, 795). Although Rawls believes that the principle of separation of church and state supports the political values of such a liberal state (Rawls, 1997: 795), in practice it is still not clear what exactly separation entails. Does the proviso require the liberal state to be impartial towards all religious communities, or the state to take a complete hands-off approach to religion per se? Cf. also Habermas in this context, who explicitly points to the first option (2006: 6). As Laborde argues, depending on different possible interpretations of the proviso, both separation and establishment can be criticized for not meeting the requirements of public reason (i.e. being only justifiable for non-public, religious or secularist reasons). At the same time Laborde argues that within

Rawlsian requirements of political liberalism, it is possible to provide *political* reasons for both institutional arrangements in some moderate form (Laborde, 2013: 82).⁸

Following Laborde's discussion of Rawlsian political liberalism I therefore ask: How can we think conceptually about Danish political tradition and similar separation doctrines with established religion? In order to arrive at this, I will try to reconstruct the concept and position it in relation to other ideal-typical secularisms.

2.3. Mapping concepts of secularism

As stated my point of departure notes that the concept of secularism remains a useful concept in the study of politics not only as a descriptive concept of formal institutions, but as an expression of political thinking and practice serving a particular function (to separate religion and politics). In this formulation, I am drawing on Michael Freeden and his notion of 'conceptual morphology' (Freeden, 1996: chapter 2; see also chapter 3 and 7 in this thesis). Secularism can be treated as an analytical tool to identify a particular kind of political mechanism, to exercise ideological power through political language. The version of secularism that comes to dominate in a given political context

⁸ And critique – both scenarios might violate 'democratic citizenship and the idea of legitimate law' (Rawls, 1997: 771; see also Laborde, 2013: 70).

may change over time, and with this competing doctrines are constantly challenging the status quo.⁹

In the following I suggest two conceptual expansions to the authoritative story of contextualized secularisms. The modest hope for this thesis is to contribute to a move towards an even more nuanced and precise *analytical* concept of comparative secularisms.

2.3.1. First expansion: modest establishment

Even though several analysts consider secularism in the case of a state with established religion, calling these arrangements forms of secularism might be seen as a rather controversial claim.

If we go back to Bhargava's approach to secularism he is dismissive of the idea of states with established religion being defines as secular. He distinguishes between theocratic, established and *secular* states (2006: 641).¹⁰ He argues that

⁹ Some interprets this dynamic as a constant ideological struggle (Kuru, 2009: chapter 1) or as a process of conversion (Scherer, 2013). My understanding of the distinction between religion and politics draws on Taylor's notion of what 'religion' means in relation to 'modernity' (Taylor, 2007: chapter 12, particularly p. 429-31). A related account is the one of José Casanova (2012), and Talal Asad. The latter made a central point in that context: 'The interesting thing about this view is that although religion is regarded as alien to the secular, the latter is also seen to have generated religion... Thus insistence on a sharp separation between the religious and the secular goes with the paradoxical claim the latter continually produces the former.' (Asad, 2003: 193).

¹⁰ Bhargava recognizes, however, that establishments do not necessarily lead to a connection of religion and the state at the institutional level (2006: 641). In later writings he does seem to recognize the existence of establishment regimes

we should think of a kind of moderate secular state not based on absolute separation (which he objects to), but on the before-mentioned contextual secularism ‘...that meets the secularist objection to non-secular states, and the religious objections to some forms of secularism’ (Bhargava 2006: 646). Contextual secularism is possible qua the notion of principled distance, which I will return to below.

However, two questions should be raised at this point. First, it is not clear why a formal connection between religious communities and the state should result in compromising disconnection at the level of laws and public policies. For example, countries like Norway, England, Denmark, Finland and others, in general do not have religious laws, but they are rather secular and democratic (for England, see Woodhead, 2013; for Nordic countries see Christoffersen, 2010a: 193-196). It is not entirely obvious why Bhargava draws a line against establishment of religion, especially considering his central argument of opening up the concept of *separation* to two meanings: either as exclusion of religion, or separation as a boundary or ‘principled distance’. Principled distance as the guiding principle for contextual secularism shows that the state acts in a non-sectarian way which best promotes ‘religious liberty and equality of citizenship’ (Bhargava, 1998: 515). However, it seems to me that looking at democracy in Western Europe the lesson ‘...lies not in the need for a “wall of separation” between church and state but in the constant political construction and reconstruction of the “twin tolerations”’, as Stephan has pointed out (2000: 41).

as secularism, but is critical towards their stability and normative appeal, see also chapter 8.

If the principle of mutual respect between the church and the state, in order to promote acceptable religious liberty and equality, appears to be the main concern for Bhargava's principled distance, why should we assume an *a priori* institutional arrangement of separation?

This leads to the second question, which pertains to the level of ends. Is establishment of religion compatible with some account of liberal democracy where the state itself is supposed to be secular?

In a recent article Cécile Laborde (2013) offers a helpful ideal-typical categorization of state-religion regimes ranging from militant separation, over modest separation and modest establishment to full establishment. Through a reconstructed Rawlsian liberal theory of justice she argues that both modest separation and modest establishment can be, '...compatible with the full exercise of religious rights by all citizens' (Laborde, 2013: 81). From this perspective, some version of establishment of religion can be justified: If it is but symbolic or non-coercive, it can be considered a non-justice-infringing case possible *within* the realm of political liberalism. That is, not undermining fundamental principles like freedom of conscience or equality between citizens.

The institutional set-up of modest establishment might not be incompatible with the idea of a Rawlsian 'overlapping consensus', since it stresses the value of neutrality on the grounds of public reason (not of conscience). In *Political Liberalism*, Rawls developed his concept of overlapping consensus as a contrast to a mere modus vivendi between comprehensive doctrines (e.g. see Rawls, 2013: 147-150). Within secularism theory, Taylor especially has operated with the idea of 'overlapping consensus' as a doctrine of secularism where we can 'converge on some political principles, but not on our background reasons for endorsing these' (Taylor, 1998: 51). According to Laborde's reconstruction of

Rawlsian public reason, the kind of demands the public sphere is subjected to are indeterminate about non-justice-infringing religious symbols such as modest establishment (Laborde, 2013: 80).

This understanding of Rawlsian liberalism appears to run counter strong proponents of liberal freedom rights and public reason, primarily as the foundation of a just societal order. One could think of Habermas, who is a strong advocate for formal and institutional separation of church and state. Yet, I would still argue that Laborde's reconstruction applies to Habermas. He opens up for the possibility of non-neutral worldview statements (or symbols) *beyond* a strictly formal context: '... to extend this principle [the neutrality of the state] from the institutional level to statements put forward by organizations and citizens in the political public sphere would constitute an over-generalization of secularism' (Habermas, 2008b: 128-129). But even while maintaining strict state neutrality at the formal level, he does argue that 'this principle should not be reduced to the laicist demand that the state should refrain from adopting any political stance that would support or... constrain religion per se, even if this affects all religious communities equally' (Habermas, 2008b: 124). Thus, Habermas does seem to be sensitive to the consequentialist side of these principles, which may leave the reader unclear as to what in his theory may validate strict separation.

Another prominent example could be Martha Nussbaum, who roughly follows a similar concern of not 'creating an in-group and out-group' (Nussbaum, 2008: 25) of citizens in society through state policies endorsing a particular religious orthodoxy. But as Franken and Loobuyck have pointed out within Nussbaum's discussion that although in favor of American constitution style separation, they imply that '...how these essential presuppositions are implemented in a particular state-church regime is less important as long as the

freedom of religion and state neutrality are protected' (Franken and Loobuyck, 2012: 2).

For Rawls, Habermas and Nussbaum there seem to be tensions between a clear warning against 'the dangers of establishment' (e.g. Nussbaum, 2008: 225) and principles not decisively determining or supporting this. This tension seems to have been carried over in Nussbaum's book on European and American approaches to principles of equal dignity, respect conscience and recognition of vulnerability (Nussbaum, 2012). When she discusses modern European establishment she notices that there 'is something unequal about the situation' (Nussbaum, 2012: 92). But Nussbaum does not appear to point to a violation of Rawlsian principles of justice (which her own notions of vulnerability, equality and liberty are very close to, Nussbaum, 2008: 64), since there are 'no tangible consequences' (Nussbaum, 2012: 92). The objection Nussbaum does raise, however, is *of another kind*, which Laborde amongst other republican political liberalists also points to: the unequal symbolic recognition of citizens by the state.

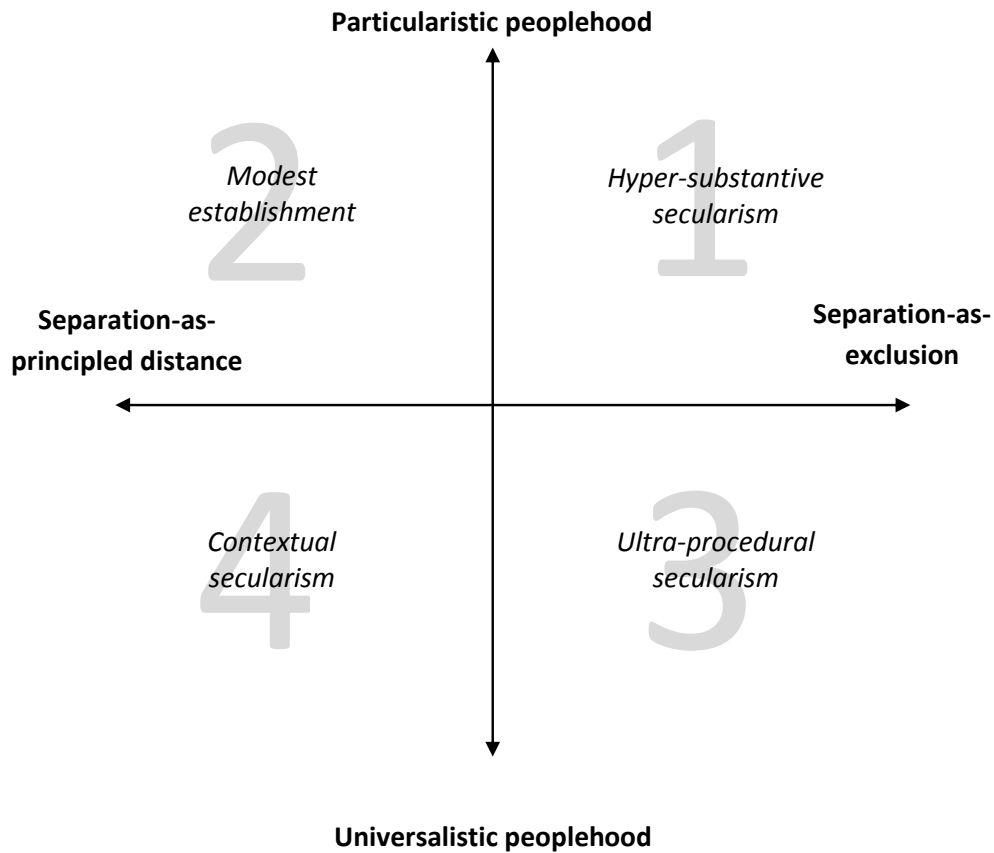
Of course, even though secularism and liberalism are highly aligned, some forms of secularism cannot be justified by liberal political arguments. Think here of Laborde's 'militant' secularism (Laborde, 2013: 68) or Bhargava's 'amoral secular states' (Bhargava, 2006: 642; see also Bader, 2007: 97). Similarly, some forms of liberalism are not necessarily secular (Connolly, 1999: 10). With Laborde I try to make the point that modest establishment is one out of several formations of secularism *possible* within a liberal framework of justice. Building on her reconstruction of political liberalism, even Bhargava's pragmatic

Dworkinian notion of ‘treating everyone as equals’ rather than equal treatment (Dworkin, 1978 quoted in Bhargava, 2006: 649)¹¹ evoking an ethos of the secular republic to protect equal citizenship, does not in itself appear to conflict with a modest version of establishment. As I will argue in chapter 5 and 6, not all positions of Danish establishment can be reasonably considered to be comparable with the minimal requirements of liberalism, in particular because of the demand of equality.

This ends up in the following illustration in figure 3 below, which contains two dimensions. One horizontal on the kind of separation the doctrine is based on, and one vertical on the kind of political identity formation connected to the separation, which I will elaborate on in the next section 2.4. Figure 3 thus exhibits forms of secularism, which Bhargava would call rights-based forms of secularism (Bhargava, 1998: 512) compatible with basic (Rawlsian) demands of political liberalism. He distinguishes between three types of political secularism. The first two types are based on separation-as-exclusion (Bhargava, 1998: 493).

¹¹ A similar distinction is made by Rainer Forst between ‘formal equality’ and ‘qualitative equality’, both within a notion of toleration based on mutual respect (2012).

Figure 3. *Secularism between separation and peoplehood - an ideal typical model*



One he phrases ‘hyper-substantive’ secularism (1), a strict enlightenment-inspired doctrine which is ‘comprehensive, universally applicable, authoritative and final’, (Bhargava, 1998: 514). The other is termed ‘ultra-procedural’ secularism (3), a doctrine ‘suspicious of all ultimate ideals... to disengage ourselves from all substantive procedures, possessing absolute priority over all substantive values’ (Bhargava, 1998: 514). He then points to another logic of separation, that of separation-as-principled distance in which his preferred contextual secularism (4) is positioned. Now, as noted before, Bhargava does not accept establishment of any kind: ‘Only contextual secularism grasps that many forms of separation lie between exclusion and complete fusion’ (1998: 516).

Inspired by Laborde's reading of Rawls' political liberalism, I suggest we can imagine one further type of separation-as-principled distance; that of modest establishment (2). This represents the first conceptual expansion. Modest establishment and contextual secularism are both disconnected at the level of policy, law and institutions but also do not share ends with the given religious communities. *If* a state shares its end with the established or any other religious community, indeed it would be hard to call it secular. But what makes them different in particular is the kind of peoplehood supported by separation as principled distance. I discuss this in section 2.4. as the second expansion. We can thus understand the four ideal-typical secularisms as four possible ways within the framework of political liberalism, to enforce the distinctiveness and the worth of a political community in relation to religion in the public sphere.

One main point of figure 3 is to emphasize that the 'question about the kind and degree of equality under a given institutional regime of state-church relationships is different from the question about the concrete institutional forms of such relationships.' (Lægaard, 2008: 164). Not at least in relation to religion, what if the most relevant challenge to 'a fair distribution of more intangible forms of social recognition' (Laborde, 2013: 86) in practice is to be found at the institutional level in, say, Denmark, while it is to be found at the discursive level in the United States? To be more specific, in countries with symbolic modest establishment we often see a defense for the symbolic establishment for reasons of peoplehood and not out of religious reasons (which is rare in the fairly secularized political debates there). In contrast, religious reasoning often permeates US political debates, but nonetheless they strongly observe state neutrality towards religion (e.g. Smith, 2012; Modood, 2013: 178).

As Taylor has claimed, 'American secularists often confuse total separation of church and state from that of religion and state' (Taylor, 2009: 1149). What if

secular state institutions supported for whatever comprehensive reasons can be as alienating to its citizens in actual politics (because of discursive dominance of one or few comprehensive views constituting the institutions) as a symbolic non-coercive state officially recognizing religion? Far from being able to satisfyingly settle this question here, I would like to suggest that one possible approach could be to consider the *politics of peoplehood* as one additional category of the concept.

2.4 Second expansion: peoplehood

A defining difference between the right side of figure 3, separation-as-exclusion, and the left side, separation-as-principled distance, is whether formal disconnection of state institutions from public religion is considered *the* implementation of the neutrality principle, or whether the main concern is to treat all citizens fair and equal.

An additional difference in figure 3 on the vertical side is that ultra-procedural and contextual secularism share a consensus on the proper church-state arrangement, based on what in short can be termed *universalistic peoplehood*. Hyper-substantive and modest establishment secularism share a rather strong (or *particularistic*) notion of political community (I will expand on this below). The difference between the two sides designates which kind of political community they evoke. Of course, liberal secularism of the Rawlsian strand is also concerned with the question of political community, but here I wish to stress rather the *type* of community involved. The contrast is between whether the rights and duties derived from political identity finds its source from particularistic themes of peoplehood, or whether it springs from common, universalistic standards indifferent to particularistic grounds.

This is the second suggested conceptual expansion of secularism: to consider more directly the question of what kind of political community the given type of separation evokes. Admittedly, various thinkers have been concerned with the connection between the development of secular doctrines and the mobilization of modern political identity (e.g. see Bhargava, 1998: 508-511; Taylor, 1998: 38-48 and 2007: 445-459; Connolly, 1999: 73-96; Asad, 2003: 181-202; Bader, 2007: chapter 5). But it seems to me that understanding how secular institutions and their underlying political principles are in practice ‘translated’ to, correspond to, or even affirm the inevitable narrative of belonging to a particular people *as part of the concept of secularism*, would contribute to a better understanding of current doctrines of secularism.

Before proceeding to the more precise theory of peoplehood (section 2.4.2) I will qualify what I mean by integrating secularism and peoplehood conceptually from an interpretive, ‘Freedonian’ perspective.

2.4.1. Integrating secularism and peoplehood

First, at a conceptual level I conceive peoplehood as being part of the concept of secularism. I deliberately do not mean to make the (different) claim of secularism an *explanation* for a certain mechanism for creating a people. Allow me to briefly expand on this point.

While I propose that the concept of secularism logically implies certain kinds of peoplehood to be normatively appropriate, this does not exclude the possibility that secularism also partially explains the kind of peoplehood

observed empirically. My emphasis is not only on peoplehood as an empirical phenomenon by which political principles are conditioned, but also on peoplehood as a certain political *idea* in line with liberty or democracy.¹² As such, 'people' is a category along with a particular range of other categories which help secularism become not just an abstract, vacuous concept of separation. However, that the notion of people exists as part of secularism does not exclude that it also find simultaneous application 'outside' – that is, in the concept's idea-environment as its explanation. This assumption that 'political concepts do not relate to each other entirely by negation' (Freeden, 1996: 67) allows me to assert that while 'people' in much political theory, is considered to be a distinct political (and sometimes even moral) category, at the same time it is often used as a quasi-contingent category as part of the concept of secularism, like autonomy or liberty, as Freedon has pointed out (Freedon, 1996: 67).

¹² Indeed, the political thinker Margaret Canovan has recently insisted "'The people" is undoubtedly one of the least precise and most promiscuous of concepts. For that very reason, however, it has a claim to be regarded as a quintessentially political concept..." (Canovan, 2005: 140). In this book she discuss the relevance of the concept in relation to political theory and trace its conceptual history in particular for the Anglo-Saxon world revealing many different meanings developed in constant political struggles to obtain power (Canovan, 2005: chapter 2). In a Danish context Ove Korsgaard has correspondently done a conceptual history of "*Folket*" (the people) throughout the last 500 years emphasizing the various kinds of people, which he argues have had at least three main meanings (demos/political, ethnos/cultural and pléthos/social entity or mass;; Korsgaard, 2008: 13). Different meanings of the same political concept have been dominating in different periods, but always they have co-existed as possible interpretations.

Second, what does it mean to treat peoplehood as a conceptual expansion to secularism? Here, Freedén's discussion of political concepts is helpful. The definition, or better, the *specificity* of political concepts is derived on the one hand from components, whose empirical absence in political discourses would make the very concept unintelligible, and therefore can be considered *ineliminable* (the following reading is based especially on Freedén, 1996: 60-67). Regarding the political concept of secularism, the ineliminable feature would be the separation of religion and politics. Without separation, the concept of secularism would collapse into meaninglessness. On the other hand, Freedén argues that the concept cannot be reduced to its ineliminable component. Rather, the specificity of political concepts is secured by a range of non-random *additional components* in a limited number of recognizable patterns. These components Freedén calls quasi-contingent categories since they refer to a defining component of the concept, but its specific features are dependent on particular context and circumstances.

It is important to recognize, however, that peoplehood as a quasi-contingent component of secularism does not follow *logically* from the notion of separation. Rather, peoplehood should be seen as a *culturally* adjacent component to secularism. By this I mean that while logic and some political philosophy possibly would not allow this combination, in actual politics we nevertheless see attempts to grant separation social and ideational legitimacy by reference to a particular rendition of peoplehood. One case in point is the Danish same-sex marriage (see chapter 5). One might consider this kind of conceptual combination 'illogical' or 'false', and thus either reject it as an object of study, or label it purely strategic or populist rhetoric not relevant to political theory. I would disagree, and point to actual political thinking and practice as the object

of study, and not philosophical concepts (on cultural adjacency, see Freeden, 1998: 71; on interpretive realism see Freeden, 2013a).

Coming back to a secularism justified by Rawlsian political liberalism, additional categories such as religious liberty, religious equality and governmental neutrality are common denominators (here, I quote Robert Audi's three principles of church-state separation to ensure toleration, which can be considered an authoritative voice from within the liberal tradition, see Audi, 2011: chapter 2). Yet, while Audi discuss democratic governments and political conduct by individuals (Audi, 2011: 4), he remains silent on the subject of political community, which the polity should regulate. I wish to identify political identity as an additional category to the concept of secularism.

Peoplehood conceptually understood is thus a quasi-contingent category since the intelligibility of secularism as an abstract concept is not dependent on particular types of people (e.g. whether we are observing separation in an ethnically homogenous or multicultural nation). I argue that the category of peoplehood is important in order to grasp actual political meaning in empirically prevalent separation doctrines. Taken together, the recognizable patterns of the additional components correspond in this conceptual reconstruction to the four ideal-type formations of secularism displayed in figure 3, which I explain further below.

While a defining feature for secularism is separation, the precise architecture of the doctrine in a given context is prescribed by the whole range of additional categories, which together constitutes the specificity of the concept. Therefore we can critically analyze the culturally particular layout of a given country's secularism, by looking at how its additional components are interpreted.

Certainly, naming the additional categories should not be understood as a claim to historical or cultural universality of secularism. However, I do wish to claim that a necessary piece of the puzzle to understand the meaning of secularism in a Western context is rendered by the quasi-contingent category of a people. Put differently, the empirically ascertainable cultural commonalities of Western-style secularisms ascribe to separation some minimal element of peoplehood. Here, we would hardly see any separation of religion and politics, without some degree of a claim to political unity.

2.4.2. Religion as an ethically constituting theme

Let us now return to the question of how to categorize different ways of belonging to a people. One way to approach the ideological production of secular ideals as they confirm and animate civic ideals of peoplehood is to address Rogers M. Smith's theory of peoplehood (2003). The project of Smith is to render intelligible the production and reproduction of political identities. The intention is understand how political elites seek to 'inspire allegiance among relatively politically inactive as well as active constituents' (Smith, 2003). This helps to explain why certain visions of political order are given particular priority. Religion is often part of this construction of national belonging (though far from the only element), which is why we can imagine secularism as a particular narrative of peoplehood (e.g. see Smith, 2013).

Smith's approach to political identity was developed first in relation to deep historical studies of American citizenship and constitutional politics, which resulted in the important book on American political history, *Civil Ideals. Conflicting Visions of Citizenship in U.S. History* (1997). The purpose of this study of American citizenship laws was to provoke attention to the often racist, violent

or chauvinistic themes also present in American national identity, which have been ignored in favor of the idealized story of the immigrant democracy. Instead of telling the story of American civil culture from the perspective of what Smith called the Tocqueville-Hartz perspective of the egalitarian liberal democracy, he tells the story of multiple ideological discourses of American peoplehood. Of liberalism, democratic republicanism and ascriptive Americanism (Smith, 1997: 26, 36). The empirically-rich study based on political debates and formal legislative documents, eventually lead to the more general and theoretically reflected *Stories of Peoplehood. The Politics and Morals of Political Membership* (2003). This theory, which is one of the main inspirations of my conceptualization of secularism, draws on a historical tradition of studying political identities which Michael Böss has identified as ‘the study of master narratives’, with roots going back to Jean-Francois Lyotard and Claude Lévi-Strauss’ conception of people and nations as *narratives*: ‘The new critique of the very idea of “national history” now made it an object of research in its own right to identify and deconstruct national grand narratives’ (Böss, 2012: 322). It is a perspective within social studies providing a constructivist reading of political identity also shared by scholars such as Benedict Anderson's *Imagined Communities* from 1983, Alexander Wendt's *Social Theory of International Politics* from 1999 and Homi K. Bhabha's *Nation and Narration* from 1990.¹³ Importantly, Smith emphasizes the political construction of identity in particular, arguing that while social factors like culture, language or religious

¹³ This approach often is contrasted to so-called ‘primordialist’ and ‘essentialist’ positions. For a more detailed discussion of his own approach, see also Smith, 2003: 32-71; 2004.

affiliation are important, actual law-making political institutions, economic conditions and political movements are most the central (Smith, 2003: 38).

In order to see where religion fits in Smith's theory of peoplehood, we will have to briefly look at how he breaks the concept of political membership down into at least three fundamental 'themes' that all successful stories of belonging must include.¹⁴ *The economic theme* concerns the material worth of being a people. Here, political leaders might promise economic security and justify the accumulation of wealth (by the few). Thus, it is a narrative balancing between security and wealth (Smith, 2003: 61). An example of such a theme could be one of having a welfare state as a safeguard against personal economic and social decline, as well as the best way to generate wealth. *The political power theme* deals with how to promise citizens personal physical security and power as a collective, and how leaders can gain support within their own power base (Smith, 2003: chapter 1). Focus here is on the empowerment of members by political institutions, and policies for the sake of enhancing the political elite's trustworthiness and the worth of the people. A recent example could be how MPs in some EU member states are arguing for the closing of national borders to ensure both the physical security of its citizen from cross-border crime, and to symbolically maintain the territorial and political integrity of the national polity.

¹⁴ While in Smith in his 2003 book termed the narrative elements of a peoplehood stories (economic, political and ethical constitutive stories), in later publications he termed these *themes* and the master narrative of political community for *stories* of peoplehood (e.g. Smith, 2008). I follow the recent terminology in the thesis.

Without going into depth with these, I want to bring attention to the final *ethical constituting theme*, which explains who the citizens normatively are and accordingly what is expected of them. This is the element of people-making which indicates that a people does not simply choose its own identity. Persons are conceived to be ‘organically’ embedded in the nation due to a common heritage, an original race, shared ancestry or some comparable tie. Civic identity or virtue, Smith finds, is particularly bound with religion and ethical myths which affirm both their worth and obligations (Smith, 2003: 64). Such themes might be the numerous founding myths of nations, of how they fought for independence in the past or even in pre-historical times. As Smith concludes ‘...enduring successful accounts of peoplehood inspire sense of trust and worth among members of a people by weaving together economic, political power, and ethically constitutive themes tailored to persuade a critical mass of constituents while also advancing partisan elite interests’ (Smith, 2003: 70).

One vital point is that it is very difficult to imagine *any* stable political community without an ethnically constitutive theme. At the same time, Smith invites us to be cautious of categorizing different kinds of peoplehood as either ‘civic’ or ‘ethnic’. While this is a distinction in much nationhood literature, it seems to imply that some nations are purely civic e.g. in the sense of Habermasian constitutional patriotism, or nationalistic-exclusivist.

Smith instead distinguishes between ethical themes constitutive of either ‘*universalistic*’ people (e.g. universal human worth qua human rights; or universal worth because we are all children of God) or ‘*particularistic*’ people (e.g. common French language or culture; or a Lutheran religious heritage). Of course, in reality no kind of peoplehood would exist purely in any of those categories. Coming back to figure 3 (page 42), Bhargava suggests that hyper-substantive secularism ‘involve qualitative distinctions of worth’, while the

ultra-procedural secularism instead insist to 'disengage ourselves from all substantive values in order to arrive at a set of universally acceptable procedures, possessing absolute priority over all substantive values' (1998: 514). These are two quite different forms of worth evoked. With Smith I will stress that within Bhargava's political secularism (including his own contextual secularism) we should distinguish between two strands of 'ethical worth themes': one particularistic and one universalistic. Both of which are variants of what Smith calls ethically constitutive themes, but with quite different ways to affirm a people.¹⁵

At this point I wish to raise several questions about the conception of peoplehood as Smith puts forward.

a) What is so 'special' about the people?

First, looking beyond the universalistic-particularistic distinction, are not all stories of peoplehood particularistic to some extent? That is, if the very function portrayed in Smith's theory is to designate boundaries between one community and other, then there must always be some efforts even in universalistic stories to evoke particularistic belonging? In a sense this is true as most national stories emphasize why they are 'special', relative to other communal identities. However, Smith's point of the universalistic-particularistic distinction is to ask *which kind* of moral resources are mobilized, so as to legitimize (or morally

¹⁵ In fact, even Rawls gives us reason to assume that both particularistic and universalist kinds of peoplehood can be imagined within the framework of his justificatory liberalism (Smith 2003: 139-141).

constitute) the political and economic measures made. Is the ideological language, through which political leaders seek to gain support for their own power base, articulated in hierarchical, narrow racial or cultural doctrines (particularistic), or are they based on doctrines pertaining in principle to all human beings (universalistic)?

Importantly, I understand this distinction as being analytical, with the purpose of identifying different stories of peoplehood. Yet, it does not necessarily involve a truth-claim or normative category. That is, identifying a theme in a peoplehood story as universalistic in itself entails no claim about the normative scope of the theme in political realities. Rather, Smith invites us to be skeptical when ascribing normative substance to this analytical distinction, as he points out that ‘...all “universalistic” stories often operate politically as partisan ones. The main reason that proponents of conceptions of “civic” nationhood do not explicitly endorse any single supporting ethically constitutive story is that they cannot agree on one’ (Smith, 2003: 81). The trouble is that just as we can think of large number of particularistic themes of peoplehood, the same applies to universalistic themes. Refer to a Marxian versus a Lockean concept of freedom, or an Islamic versus Christian perspective of human salvation. In a political context they are all universalistic in their narrative appeal, yet at the same time they are historical sources for very violent partisan struggles of power between (particularistic) peoples. According to Smith, even though we might wish to establish social order and authority on universally just principles of political conduct and regulation, in practice, one faces the question: ‘How far can a liberal society go to make expatriation, emigration, and immigration practical choices for all humanity, as Habermas seem to wish, while at the same time seeking to maintain an at least mildly distinctive form of liberal democratic constitutionalism for its members?’ (Smith, 2003: 145).

b) Pluralism and political identity

Making a people 'special' demands an ethical grounding beyond economic and political themes, which can be done by either particularistic or universalistic claims. Therefore, we might then direct a second question to Smith's theory of peoplehood: How we can conceive cultural and religious *pluralism* within identity narratives, which has been politically constructed to evoke a sense of particular worth and trust in one shared, national identity?

As already touched upon in the first question above, the theory of peoplehood assumes the possibility of several particularistic themes (e.g. based on perceived religious identity), conducive to the same national regime. In other words, we can imagine several contested stories of peoplehood within the same national state community. Here, in relation to pluralism and peoplehood, lies an analytical and a normative point.

On the one hand, Smith's theory of peoplehood aims to contextualize narratives of political identity by referring to their historical and political origins, in order to identify the main elements in telling a story of a people (see Smith, 2003: 32). On a meta-level, this allows the observer to show how there is not one narrative of, say, Danish national identity, but several – what Smith has referred to as 'multiple political traditions' (see e.g. Smith, 1993). The theory thus assumes that because any political community is a result of a political struggle and identity construction (i.e. not naturally existing), we should expect to see continuous political contestation of identity in order to inspire competing senses of trust and worth (see Smith, 2003: 53). One could also say that Smith tries to show how peoplehood as a concept, holds an immanent plurality because it is open to constant political contestation (i.e. attempts to exclude

certain elements in the story). In the context of contestation of national identity, political struggle of peoplehood can thus be identified as attempts to override the obligation to obey national law, military service, or the allegiance to the nation. On issues characterized less by high-politics, we could also imagine attempts to change or abolish political practices traditionally associated to be a particularistic identity marker for a political people. This contestation would question the old ways, and propose a new and far more appealing one (more just, more modern, more morally correct etc.).

While this form of plurality-as-political-struggle can be observed *between* stories of peoplehood, another form of plurality possible is *within* a given story. For example, while some might think that Denmark is the best place to live for Evangelical Lutherans because of its religious origins, established church and historical tradition, this particularistic story is most often revised along a democratic and rights-based theme. In this sense allegiance to the Danish people as conducive to religious identity is only partial, as few would pose totalistic demands of religious affiliation as a requirement for being member of the political community (i.e. being a Danish citizen). Along similar lines, we might also imagine Danish Muslim citizens regarding membership of Denmark as the political community in which their civic loyalty lies; neither compromising their own cultural and religious narrative as Muslims nor confirming any Christian faith. Of course, this scenario is possible for any citizen of religious or areligious conviction supporting an ethical peoplehood theme not constituted by religious elements. From these examples, we can reflect upon two available stories of Danish peoplehood for Danish citizens to belong – one affirming an ethical theme of Christian identity, another affirming a multi-faith or areligious theme.

It appears therefore, that there are varying levels of allegiance which can dictate a political group's membership base. Smith roughly distinguishes

between weak, moderate and strong forms of political community, in which the two latter forms do not hold clear and absolute primacy over competing stories.¹⁶ Thus ‘...they are logically required to accept the legitimacy of multiple political memberships, multiple citizenships, so long as those alternative allegiances do not prevent them from governing in their areas of authority and accommodating their distinctive purposes’ (Smith, 2003: 130; see also pp. 19-32). We can also imagine that allegiance to a political people can be widened or narrowed in scope. For example, a state could choose to impose anti-discrimination legislation on all civic organizations within its jurisdiction, thus forcing e.g. religious communities not to discriminate on the basis of gender when hiring staff or religious leaders. This would of course put many group identities in that society on coalition course, with the new demands of obligations to the national identity. This form of plurality-as-multiple-political-memberships tells us that political peoples are not limited as being national in range, just as not all national identities have their own state, not all peoples have their own nation (Smith, 2003: 70).

Nevertheless, the theory of peoplehood in this thesis is mostly applied on exactly national and state-based political identities, as the focus is on the majority narrative as an important element in national church-state separation doctrines.

¹⁶ In addition to the categories strong, moderate and weak peoples (signifying the hierarchical strength of obligations to this people over others), Smith operates with wide, midrange and narrow (signifying the range of issues a group can assert primacy over). For example, the US would be a strong and wide people, Wales moderate and midrange people and on organization such as Oxfam would be a weak and narrow group or people (Smith, 2003: 21).

On another note, highlighting the question of plurality in relation to peoplehood, Smith also attempts to make a *normative* point. One of his main focus areas is not to repress or abolish particularistic themes in political identity narratives, but to embrace them and even facilitate their expression. He adopts what he calls a Madisonian approach, where ‘if we encourage the articulation of these stories in political processes, we can reasonably hope that, to a certain degree, conflicting stories will work to check each other’s excesses as they vie to win broad support in political contests’ (Smith, 2003: 159). The ideal is thus a form of ongoing democratic experimentation, explaining how political peoplehood can be legitimized and constituted ethically. In a European context a Madisonian approach might seem optimistic at best, since there is a considerable degree of asymmetrical relations existing between different articulations of ethical themes in most European countries. Think especially of the Christian majorities versus the Muslim minorities. However, Smith’s point is to encourage different democratic and human rights based variants of particularistic themes supporting the same regime. If the Madisonian ‘politics of conflicting stories of peoplehood’ (Smith, 2003: 173) are to succeed, it appears that it would require all groups to embrace and accept that *their* account of national identity is historical, that is, not natural but ultimately a partisan construction.¹⁷

In a sense this normative approach does indeed seem to share the approach of what Bader has called ‘a realistic utopia developed by democratic

¹⁷ In the essay *Reflections on a new ethos for Europe*, Paul Ricoeur propose a rather similar approach to solving the problem of telling the story of a people under conditions of plurality (1996 [1993]).

experimentalism', which Bader's associative democracy and Bhargava's rights based political order also adheres to. Yet what makes this approach substantially different is the insistence that one should allow for concrete senses of national belonging, and not propose a theory of political identity '...too voluntaristic, and "universalistic" to... define the "people" who are to self-govern consensually' (Smith, 2003: 89, see also 164). It should be able to tell people exclusively where they belong and why. In this way, Smith's normative account of peoplehood holds a *universalistic* demand of all members' acceptance of plurality (ethnic, religious, culturally etc.), but also a *particularistic* ambition of evoking a sense of worth and trust exclusively in one people.

c) Peoplehood and the paradox of politics

Such an act of balance between liberal universalistic ideals and particularistic expressions of the majority identity in various democratic decisions leads to a third, rather profound question which Bonnie Honig recently identified as the paradox of politics: 'In order to for there to be a people well-formed enough for good law-making, there must be good law for how else will the people be well-formed? The problem is: where would that good law come from absent an already well formed, virtuous people?' (Honig, 2007: 3).

Smith's discussion of peoplehood is primarily concerned with the how a people come to be constituted by political leaders through ideological language (given certain conditions), from which he criticizes deliberative democratic theorists like Rawls and Habermas for having too much faith in 'abstract' liberal rights and democratic procedures such as constitutive of stable and coherent political communities (e.g. Smith, 2003: 144). However, while Smith supports a political community working within liberal democracy and respect of human

rights, he does not appear to approach the paradox of politics as formulated by Honig.

This of course would confront Smith with the normative discussion of people, liberalism and democracy in political theory, yet the question is whether he can avoid standing responsible for this problem? What Honig also calls the 'paradox of founding' is essentially a diagnosis of politics as an Aristotelian infinite sequence between the law and its author resulting in the condition of 'politics, in which plural and contending parties make claims in the name of public goods, seek support from various constituencies, and the legitimacy of outcomes is always contestable' (Honig, 2007: 14). Thus, the problem is not whether democratic theory holds the potential to support ethical constitution beyond liberal rights and norms, or to solve the potential tension between liberal norms and majoritarian decisions. Nor is this a problem for Smith, as he does not recognize the difference between what Oakeshott has called origin stories of 'in the beginning' and 'once upon a time' (Honig, 2007: 14). On the contrary, Smith points exactly to the necessity of 'historical' ethically constitutive themes portraying a people's story of origin not as a natural truth (the former origin story as myth). Instead, as something constructed through political action in history (the latter origin story as a story). However, the problem is that while Smith contends that 'no political "people" are natural or eternal', at the same time he notes that there are 'preexisting senses of identity, interests, and ideals' available to political leaders to feed off (Smith, 2003: 34).

Thus there is some kind of relation between the ruler and the ruled, which appears to constitute the very meaning of both. Yet undoubtedly, it is still unclear how Smith would position himself in relation to the condition, which Honig emphasizes that if the people as the general will (a sovereign source of legitimacy to state power represented by the will of all in a democratic process)

and the law (liberal rights of equality and freedom in the constitution) are two finite things in an infinite relationship, to quote Roy Sorensen (as quoted in Honig, 2007: 13), then what is the source of “the people” as a political phenomenon? I believe this question is relevant to Smith's theory in the sense that his ambitions are not only analytical but also normative. In the latter case one will inevitably be confronted with the perhaps uncomfortable ‘paradox of politics’. As Honig convincingly has argued, how one chooses to stand in this matter deeply influences how one stands on the issue of self-governance, or agency by the people vis-à-vis constitutional democracy (Honig, 2007: 1-2). Even though Smith's account also takes as a point of departure that people is not a problem to be overcome by law and rules. That is, the general will might reside in the will of all and how we speak of this entity as ‘people’. This may mean different things to its members; therefore it remains unresolved how Smith establish just (liberal?) standards for democratic decisions.

d) The people as authors of their own identity?

A fourth and final question targets the role of agency in producing or reproducing stories of peoplehood. Smith's approach to the constitution of political identity is predominantly focused on the role of political *elites* acting in relation to various pressures (e.g. Smith, 1997: 35; 2003: 42). In that connection, Smith mentioned three forms of limitation upon elite's ability to construct certain stories of political belonging. First, what he calls internal constraints in the form as mentioned before – ‘senses of identity, interests, and ideals’ which the elite separate themselves and thus create a certain set of conditions of possibilities for their stories. Second, he points to what we could call external constraints such as economic conditions, international politics and technology.

Finally, Smith mentions 'mass pressure' in the form of democratic voting, existing alternative stories of allegiance, and resistance of voluntary aid to the system supporting the particular political identity (Smith, 2003: 34-42). Thus, Smith does see a kind of agency relevant to the creation of a political people, stemming from the individuals who are discursively summoned or made subject to a group identity. As Smith points to as a premise for his theory of people-building, 'both leaders and constituents possess meaningful political agency' (Smith, 2003: 36).

With Jeffrey E. Green, one could add another kind of limit or pressure on political elites: the eyes of the people as a type of popular power, and the derived democratic ideal of candor (2013: 179-183). Green also questions the perception of the popular self-government and point to the ideological and strategic interests of leaders, but in particular he notice how far from practical reality the ideal of deliberative and democratic action is. Instead he point to and normatively underpin the capacity of the people as a mass spectator of political elites. As he argues 'the ocular model of popular empowerment is justified because its mechanics do not assume that everyday citizens are what they clearly are not (choice-making, speech-making, legislating, active deciders of public affairs) but, on the contrary, acknowledge the passive, nonparticipatory, spectatorial nature of everyday political life.' (Green, 2013: 17-18). The eyes of the people conceived as an ocular pressure, would create a panoptic, disciplinary condition in which political leadership would be lived. Pertaining to modern mass democracies this would result in a demand for candor in the political processes of which only the elite participates actively. This original contribution to democratic theory of Green's would also be relevant for Smith's understanding of political elite pressures.

However, relating this take on agency to Jason Frank's recent book, *Constituent Moments: Enacting the People in Postrevolutionary America* (2009), makes one consider whether political groups as a mass hold agency not as a constraining effect but as a self-constituting entity. Frank's historically and literary informed theoretical approach to how peoples are constituted in many respects share with Smith a notion of the people, as an enacted and discursively produced political category, first and foremost an authorizing narrative. According to Frank, 'the people are the entity in whose name the state governs, and a higher power that can resist the authority of the state... the people both menace and ground the political order; they are at once a constituent and a constituted power' (Frank, 2009: 7).

Nevertheless, an interesting point of Frank's approach is his emphasis on what he terms the 'constituent moment' when both sides of this equation are brought into play. And exactly when '...imposters, radicals, self-created entities seize the mantle of authorization... constituent moments dwell in a space where there is enacted felicity that nonetheless breaks from the conventions of authorized context, a felicitous infelicity' (Frank, 2009: 8). What Frank highlights here is not only the advent of new rebellious leaders creating a new obedient people supportive of their own powerbase, but also a group or mass itself constituting power (c.f. his contemporary examples in the concluding chapter).

One could also say that the inherent ambiguity and multiplicity of meaning of what the people is, leading to a condition of constant contestation as Smith also points to, allows Frank to emphasize the ability of groups to claim representative status (or enact political power). Therefore, acting as potentially disruptive to authoritative stories of peoplehood. In his book from 2003, Smith appears to understand groups as potentially limiting elite power by 'mass pressure'. Yet if I assume his proposals correctly, he does not seem to directly

emphasize agency understood as group's role as disruptive authors of their own identity.

2.5. Talal Asad's secularism and sites of belonging

Analyzing the doctrine of separating or distinguishing religion and politics through the lense of Smith's politics of peoplehood, suggests that secularism is partially maintained for the purpose of telling a specific story of a people. One might say that religion in political discourse serves the function of contesting or decontesting *whom* the people is, and *why* each member belongs to it. In other words, how a democracy treats its religious communities tells much about the political production of its people.

In the beginning of this chapter I suggested two approaches to secularism inspired by Bhargava's question on the crisis of secularism. There are those in search of an alternative secularism, and those in search of an alternative to secularism. After having discussed and developed a concept of secularism within the former position, we could ask how this conceptualization is different from other accounts of alternative secularisms. Namely, sharing an interest in the conceptual origin and current contextual meanings of secularism, whilst emphasizing the importance of introducing the question of political identity.

Perhaps one of the most prominent voices in the debate is the anthropologist Talal Asad. Importantly Asad belongs to the former position, as he continuously reads political reality through the concept of secularism. Of course, Asad does so with the purpose of critically assessing on the one hand how the doctrine is articulated to serve certain political interests (how gets to define what is secular, and thus indirectly what is the religious? see Asad, 2003: 191). On the other hand, the author shows how modern political communities in

the form of nation-states are structurally dependent on concepts of the secular. This is due to the fact that political allegiance and modern nationalism insist on a duality of 'a world of self-authenticating things in which we *really* live as social beings...' in contrast to '...a religious world that exist only in our imagination' (Asad, 2003: 194). As I read Asad, a central point in relation to his notion of 'complex space' and 'complex time'¹⁸ as expressions of what we could call the conditions of multiculturalism, is that he understands secularism exactly as a doctrine which homogenize and synchronize the subject of the nation-state. As Asad noticed in relation to French secularism or *laïcité*, this doctrine of the religious and the secular indeed appears as 'a matter of social cohesion (or integration) within the body politics. The personality of the republic has a history and a repertoire of symbols anchored in deep emotions (the Revolution, empire, the creation of a unified nation independent of the Vatican).' (Asad, 2006a: 218). Thus, Asad considers the politics of secularism to be a doctrine separating religion and (secular) politics relying on and producing certain visions of social order, and as such his agenda is to 'unpack the various assumptions on which secularism – a modern doctrine of the world in the world – is based' (Asad, 2003: 15). Or more directly put: 'My suggestion is that we need to explore the assumptions underlying judgments made by historically situated states regarding the proper place of religion' (Asad, 2006: 219).

While I too build on a an approach questioning the modernistic conceptions of 'religion', 'the secular', 'secularism' and how these concepts are articulated in

¹⁸ Multiple ways of being a political subject in terms of traditions, identities, and relation to the past and present, see Asad, 2003: 179.

actual political context, Asad's conception of secularism does not seem to offer a clear identification of the sites of national belonging. That is, the ways in which unity works through separation, how senses of ethical belonging are evoked through secularism doctrines. Rather, he (rightly) points to 'the new forms of subjecthood' or governmentality created in the dawning modern age of the 19th century constituted by secular discipline and the idea of moral progress (Asad, 2003: 24). In other words, secularism as a strategy to render the religious aspect of society governable involved some sort of 'national politics' (Asad, 2003: 130). Asad notes this argument himself: 'Although the historical connection of secularism with the formation of the modern nation-state is well known... the way nation-state's self-declared national personality affects the practical application of its religious neutrality, and its guardianship of freedom, needs to be examined more systematically. The specific practices, sensibilities, and attitudes that undergird secularism as a national arrangement – that give it solidity and support – remain largely unexplored...' (Asad, 2006: 223-224).

My account of secularism is an explicit attempt to contribute in this direction. Further I should think, that Asad's fairly state-centered approach to secularism (Bangstad, 2009: 189-192) would need to open up for not only 'the multiple ways of life' for groups inhabiting a society (Asad, 2003: 180), but also for multiple stories of national unity as told by different political elites (on this point, see also the end of section 3.1.). As Smith has argued, these multiple stories of national unity can be categorized differently according to which kind of ethical theme that is evoked. Applying this approach to secularism therefore left me with four ideal-typical secularisms as illustrated in figure 3, which I will now return to when concluding this chapter.

2.6. Concluding remarks: Four ideal-types of secularism

Having discussed the two expansions to secularism theory, I will briefly elaborate on how the suggested categorization helps differentiate the different types of ideal-typical secularisms.

If we start with the fourth quadrant in Figure 3 (page 42), what makes contextual secularism universalistic is Bhargava's ambition to legitimize such doctrines morally with reference to a 'politics of the common good', that is, an idea of participating democracy which presumes a myriad of different comprehensive doctrines to exist.¹⁹ Contextual secularism assumes that all participants undergo 'a transformation of identities with which they first enter the process. In other words, they must prepare to forge new identities that refer to a common good realized in future through a process to which they are committed by their participation' (Bhargava, 1998: 537). Thus, Bhargava does not imagine a politics of identity contestation as a result of a politics of the common good, but quite the opposite. "There is a bigger, imagined community lurking in the horizon of every community that enjoys rights' (Bhargava, 1998: 542). Even though Bhargava is inclusive to religion in the public sphere (that he acknowledges reasonable disagreements between ethical outlooks), the issue here is what status he ascribes disagreement when constituting a political identity at a national level. Here, I argue that he morally constitutes his separation doctrine in what Bader has also called 'contextual universalism' (see Bader, 2012): context and difference sensitive separation of religion and politics

¹⁹ A premise for Bhargava's argument is 'a minimally overlapping good' to be shared by the participating actors and groups, which he identifies as 'the politics of right' (Bhargava, 1998: 537-538).

grounded in the universalist language of the democratically negotiated common good. While difference and disagreement exist in this perspective, it is not a political aim to maintain this state of identity contestation.

The same point could be made with the ultra-procedural secularism, which in contrast to contextual secularism dismisses ultimate ideals from political processes, but similarly legitimizes its stance ‘...on grounds claimed to be comprehensive, universally applicable, authoritative and final’ (Bhargava, 1998: 514). One such view could be represented in the article *Popular Sovereignty as Procedure* by Habermas, in which he defends constitutional democracy based on ‘proceduralized popular sovereignty’. ‘The sole substantial aim of the project is the gradual improvement of institutionalized procedures of rational collective will-formation, procedures that cannot prejudge the participants’ concrete goals. Each step along this path has repercussions upon the political culture and forms of life’ (Habermas, 1997 [1989]: 61). Here we see a strong emphasis on a procedural understanding of political community. In later writings he related this with the problem of religious pluralism: ‘...the constitution of the liberal state can satisfy its need for legitimation in a modest way by drawing on the cognitive resources of a set of arguments that are independent of religious or metaphysical traditions’ (Habermas, 2008: 104). Thus, when Smith’s theory of peoplehood inquires which kind of ethical constitutive theme to be evoked, Habermas’ secularism offers a fairly clear answer. ‘The “unifying bond” sought for is a democratic process in which the correct understanding of the constitution is ultimately under discussion’ (Habermas, 2008: 105). Thus, its separation doctrine is articulated through an ideological language of universal grammar, as it too appeals to a universalist theme in a story of creating and maintaining a political community.

Looking at the upper half of Figure 3, hyper-substantive secularism and modest establishment both operate with Bhargava's (rather disapproving) words '...qualitative distinctions of worth, necessitating a contrast between the valuable and the demeaning and lowly. Competing ultimate ideals, it follows, will have incompatible ideas of what is worthy and what is not' (Bhargava, 1998: 514). Thus, what is distinctive of these two types of secularism is their political appeal to one, particularistic source of worth and trust as legitimization for drawing a line between religion and politics in their given ways. The former as establishment, the latter as mutually exclusive separation.

A variant of what we might call hyper-substantive secularism could be the 'official republican' interpretation of French *laïcité*, which Laborde in length has reconstructed and analyzed (2008). In that connection she notes that '*...Laïcité* is often translated as "secularism", but I argue that it in fact encompasses a comprehensive theory of republican citizenship, articulated around three ideals. Equality (religious neutrality of the public sphere or secularism *stricto sensu*), liberty (individual autonomy and emancipation from religious oppression), and fraternity (civic loyalty to the community of citizens) (Laborde, 2008: 7-8). However, as I conceptualize secularism in this thesis, it makes sense to categorize official *laïcité* as secularism endowed with a doctrine of separation-as-exclusion, evoking a particularistic ethical theme of French peoplehood (or republicanism).²⁰ The kind of ethical theme here is the strong sense of republican solidarity and national unity, which amongst other things is

²⁰ That the official French republican separation doctrine must be understood in connection with the question of political identity has also been suggested by for example Bowen, 2008: chapter 7 or Joppke, 2008: chapter 2.

protected by the particular tradition of separating church and state. In contrast to Habermas' procedural constitutive democracy, a distinct national culture is the civic bond (Laborde, 2008: 173-184).

Finally, modest establishment also belongs to the particularistic type of peoplehood, as its separation doctrine is based on a certain notion of national identity. As I will elaborate on exactly this point in the following chapters, it should be sufficient to note here that the Danish established church is perceived as an important site of national belonging, thus evoking a national identity constituted by certain religious, historic and traditional themes.

Thus, merging the two dimensions of figure 3 invites the student of empirical secularism to consider the principle of separation and the type of ethically constitutive theme used to legitimize this. Importantly, a framework that offers four ideal-typical variants. Following Smiths theory, the variants should support the analysis of multiple ideological discourses within the same national context. As different civic ideals of Americanism have always co-existed and competed (indeed placing substantial parts of American peoplehood in the particularistic spectrum) different versions of secularism simultaneously exist. One country cannot be unambiguously placed in one category, but one can distill multiple traditions of different categories.

Nevertheless, while each of the four types of secularism I have suggested can be defended within the broad framework of political liberalism, they might also be open to critique. Let us consider but a few here.²¹

²¹ Veit Bader has identified at least 12 types of secularism open to various kinds of critique, which gives an overview of the many interpretations and normative

A common but strong critique of the hyper-substantive secularism is that the rigid understanding of public reason, which is evoked, potentially induces an atheist political culture and polity hostile to religion. Significantly, it cannot allow for or recognize religious (or other competing politically substantive) ways of legitimizing public law and order. As a consequence, it might end up abolishing the very principles of liberty and pluralism it sought to defend (e.g. Connolly, 1999: 19-46; Bader, 2007: 93-125). This critique of ethically based exclusivist secularism is, as noted above, often identified as 'secularist'. Ultra-procedural secularism too seeks unconditional exclusion of religion, but seeks rather to exclude *any* kind of comprehensive worldview from the public sphere. This has among other things been criticized for being insensitive to many citizens' ordinary life, in which comprehensive worldviews are all-encompassing and constitutive of their personal identity (e.g. Taylor, 2007: 514). Thus, the liberal state should 'not transform the necessary institutional separation between religion and politics into an unreasonably mental and psychological burden for its religious citizens' (Habermas, 2008b: 130).

While contextual secularism appears not be vulnerable to the same objections as the two before because it is supposed to be 'an ethically sensitive negotiated settlement between diverse groups and divergent values' (Bhargava, 2006: 651), it may still have shortcomings. One objection could be that this reliance on constant 'fresh interpretations, contextual judgments... reconciliation and compromise' (Bhargava, 2006: 651) might simply put too

challenges each face (Bader, 2010; see also Bader, 2007: chapter 3, which also gives a fine (but critical) introduction to the different positions of secularism theory and its critique).

heavy a burden on the deliberating public and its political practitioners. Practical politics under conditions of limited time and resources might need readily available standpoints on which to judge simpler and more intuitive principles, in order to reduce complexity and arrive at decisions. In addition this kind of political secularism based on abstract moral principles, might also have its shortcomings in relation to contributing to a coherent political community. The objection then is not the *absence* of a notion of political identity but potentially the presence of *too many* identities, rendering the social imaginary deeply fractionalized.

Modest establishment shares the first objection of contextual secularism in lacking simpler and more intuitive principles of separation. Indeed, some would find *any* kind of religious establishment incompatible with secularism (Lægaard, 2013 discuss this kind of objection to establishment). But one can also raise the further objection to modest establishment that religious symbols *do* matter to the equality of citizenship. This critique is not derived from a mainstream political liberalism, but from the republican conception of political liberalism (Laborde, 2013). Here, the objection is that even modest establishment would infringe on civic status, recognition and citizenship. ‘The state’s symbolic acts and speech affect the status of citizenship, as they enhance or diminish the sense of self-respect that citizens derive from being able to identify with their political institutions’ (Laborde 2013: 86; on this point see also Brudney, 2005).

In the following chapters this last objection to modest establishment will surface periodically, as I apply the conceptual understanding of secularism developed here to the Danish case. As I have argued, my emphasis on peoplehood in relation to secularism is necessary because the given national interpretation of secularism also tells a story of a people. Following Smith's theory of political struggle between multiple stories about the same people, I

will analyze historical and current ideological language in Danish secularism. Such a framework helps to distinguish between one national variant of secularism, which is based on establishment justified by basic liberal principles, from another which falls out of framework of liberally justified secularism. As will become apparent during chapter 5 and 6, the general doctrine of Danish secularism often finds two dominating and conflicting interpretations in political discourse. One interpretation is (mostly) within non-justice based state recognition of religion, and another is placed in the muddy waters mixing ethical and religious reasons with political reasons.

In chapter 7 I conclude my analysis of the Danish separation doctrine by reconstructing both the general secularism prevalent today, and the two competing positions into what I call *assertive* and *accommodationist* Danish secularism.

In an earlier study I have showed how the assertive discourse dominated the debates in the parliament, the parliamentary church committee and in the general political debates in the media, while being constantly contested by accommodationist arguments (Dabelsteen, 2011a: chapter VI). One interesting development since then has been the shift of balance between the two competing doctrines. This I will argue is not only due to changes in the parliamentary power balance, but also due to an ideological development amongst the parliamentarians and within the Folkekirke. Some principles have simply been harder to promote in the political discourse, while others have been strengthened. Since then, assertive principles of a privileged Folkekirke and the Danish people as a Christian people have been downplayed somewhat, but the principle characteristics of the accommodationist doctrine such as increased religious equality and church autonomy have been inconsistently promoted. As we shall see in chapter 6 new initiatives have on the one hand been made to

prepare for policies to grant further autonomy to the Folkekirke. Yet on the other, in the preceding case of making same-sex marriages legal (chapter 5) such an arm's length principle in relation to the Folkekirke's internal affairs appeared to be set aside. Only time will tell how these often conflicting principles of separation will be balanced against one another other.

However before engaging in the empirical analyses of chapters 4, 5 and 6, let us turn to the methodological questions which the developed analytical framework has raised.

Chapter 3 Methodological considerations

In the introduction, I presented the main research question and outlined its theoretical and empirical relevance. Chapter 2 presented my conceptualization of secularism with an emphasis on peoplehood. I showed that my approach taken to political concepts is inspired by Michael Freeden's ideological analysis. In this chapter I will turn to a discussion of what it entails to study politics, following such a way of knowing as it guides the remainder of the thesis. To be sure, the thesis in its entirety can be considered an attempt to adapt Freeden's approach to a specific theoretical problem, establishment and secularism, in a specific empirical area, Danish politics. The purpose of this chapter is to contribute with clarification as to how and why I go about this.

The chapter will proceed as follows. In the first section I will discuss Freeden's morphological approach to ideology, which is related to the methodological position of interpretive realism within political theory, as discussed in the second section. Here I also touch upon what means to do problem-driven research from an interpretive approach, which is related to the discussion of the inevitability of normativity taken in the third section. In the fourth and final section I consider some methodological points relating the kind of approach taken in this thesis, which we may call interpretive policy analysis.

3.1. Michael Freeden and studying ideology as an expression of political thinking

In the first section I will lay out the general approach taken in this thesis. As stated in the previous chapter, I treated secularism as an ideological concept and

I showed how we might think its conceptual architecture to be. However, in order to see why such a conceptualization is necessary to answer the research question, we will have to consider the methodological approach taken, that is, what we can know about the phenomenon and how we come to attain such knowledge.

Freeden's approach offers a certain understanding of ideology, and here I am interested in the term's general attributes as a way of understanding politics. This understanding spills over into a more general approach to the political – a certain way of knowing within social sciences. In particular the two books, *Ideologies and Political Theory: A Conceptual Approach* from 1996 and *The Political Theory of Political Thinking: The Anatomy of a Practice* from 2013 and in a range of articles (e.g. 2002, 2005a, 2012, 2013b), Freeden has developed an approach to studying ideology. Increasingly, he creates an understanding of political theory more broadly which he calls the morphological approach to ideology or interpretive realism.²²

To begin with we might ask how we can recognize something as an ideology from Freeden's perspective. In his book from 1996 he states that '...an ideology will link together a particular conception of human nature, a particular conception of social structure, of justice, of liberty, of authority, etc. "This is what liberty means, and that is what justice means", it asserts. Ideologies need, after all, to straddle the worlds of political thought and political action, for one of their central functions is to link the two' (Freeden, 1996: 76). Already in this

²² Before and during these publications, Freeden has dedicated much attention to studying especially liberalism as an ideology in a historical context.

definition, we see that ideology is not defined as a universal or static system of ideas, but rather as a political phenomenon between ideals and action. Specifically, strategic attempts to reduce an infinite range of possible understandings and actions to a finite and manageable view of social order. Indeed, ‘...ideologies are strategies, deliberate or not, for managing the underlying pluralism of political ideas in all societies, permitting it in culturally acceptable doses or trying to suppress it publicly and artificially. Ideologies are in the main counter-pluralist discourses’ (Freeden, 2013b: 117).

Analogous to the discussion in chapter 2 of the morphology of secularism as a *concept*, Freeden too considers the form or structure of *ideologies*. He argues that ideologies consist of two aspects. The first is the three-tier formation of ideologies comprising concepts, components of concepts and the relations between concepts. Like concepts, the second aspect is that ideologies contain a certain hierarchy of a core concept organizing the surrounding adjacent concepts, and peripheral ones of significance in the idea-environment.²³ Such a structure Freeden calls an ideology. For example, analyzing a specific tradition of liberalism at a given place and time could identify the core concept as liberty (without liberty as its core liberalism would hardly be recognizable), human rights, democracy, and equality as adjacent concepts (understood as certain particularly important concepts inferred from liberty) while nationalism is situated as a peripheral concept to liberalism (Freedon, 1996: 77). How the specific conceptual relation of an ideology is arranged, depends on its logical and

²³ As I have already touched upon concepts, components and their relation in chapter 2, I will proceed without further definitions at this point.

cultural coherence both between concepts and between components of concepts: ‘...many combinations are logically possible, though acceptable cultural combinations are fewer, and any combination will still find itself with a pile of unused spare parts, located outside the specific conception that is being employed’ (Freeden, 2013b: 119, see also 2005a: 120). We might even think of some combinations as logically inconsistent but culturally sound in ideological discourse, as long as it successfully gives finality, legitimacy and accessible answers to the challenges of a political system. Which specific combinations of concepts and components of concepts will ‘fit’ with each other are limited by history, specific national context, sudden events etc. as much as logic. Therefore, it is the structure or morphology of an ideology which gives its concepts a political specific meaning. Thus, Freedden emphasizes the context of concepts to a large extent.

What characterizes an ideology and a premise for its continued life, is thus its ability to produce a coherent chain of specific responses to the issues that general political systems need to address ‘...from the general and abstract to the concrete and practical, from the core to the periphery, as well as in the reverse direction’ (Freedden, 2002: 750).

My interpretation of Freedden at this point is that we can trace and decode ideologies starting from its explicit mentioning in political discourse (e.g. ‘this is socialism’ or ‘I am a conservative’), and then continue analyzing the ideological morphology. However, we might also approach ideologies and ideological concepts by directly identifying its structure of components and concepts, even without the direct articulation of the whole entity. In relation to this thesis it

entails that I will be tracing the morphology of unity-through-separation (*in casu* modest establishment), even though Danish tradition does not operate with the explicit use of ‘secularism’.²⁴ Thus with the morphological approach to ideological language I highlight an phenomenon in order to expose its many points of decontestation²⁵ of separation, religious freedom, religious equality and state neutrality (and as we shall see in the later chapters the related concept of ‘church autonomy’). Furthermore, it should be clear that secularism as I have conceptualized it in chapter 2 cannot be considered an ideology, as the scope of meaning and values it fixates is very limited. Instead, I treat secularism as an ideological *concept* or ideological separation doctrine, as I will also name it throughout the thesis.²⁶

However, I wish to draw attention to Freeden’s more general understanding of discourses in the political sphere. Here, ideological language as a form of discursive power systematically uses political concepts in a language of

²⁴ If ‘secularism’, ‘the secular’, or ‘secularist’ is used in Danish discourse it most often connotes a political and atheist stance actively repressing religion, religious symbols and religious reasoning from any public context. Examples of prominent public debaters taking such an understanding are: Mikael Rothstein: *Sekularisme går forud for religion* [‘Secularism preceeds religion’] (2005), Erik Bjerager: *Gud bevare Danmark. Et opgør med sekularismen*. [‘God save Denmark. Confronting the secularism’] (2006), Tøger Seidenfaden: *Hold øje med den hårde sekularisme*. [‘Keep an eye on the strict secularism’] (2009), Iben Tranholm: *Islamisme og sekularisme er fælles om at knuse kristendommen* [‘Islamism and secularism are partners in crushing christianity’] (2014).

²⁵ On decontestation, see below.

²⁶ In this thesis I understand a ‘doctrine’ as a specific tradition of government policy embedded in current and historical context. This doctrine will be treated as an ideological concept analyzable through a morphological approach to ideological structure.

universality and finality, with the purpose of creating a sense of holistic worldview (Freeden, 1996: 76). At a general level, if we insist that the political – as opposed to ideology – is to be characterized first and foremost as ambiguous, undeterminable, inconclusive and vague (Freeden, 2005a: 117-124), then all articulations of final or conclusive public policies can be considered as politically constructed reality. Therefore, with the intention to reduce the fundamental complexity and uncertainty of the situation at hand.

This approach to ideological language, which concepts are constituent of, assume the meaning of any political argument to be *essentially contestable* (including ideal theory and political philosophy). That is, the meaning of e.g. liberty or equality is not stable or fixed yet always open to contestation (Freeden, 1996: 55-61, see also Gallie, 1956, who first philosophically grounded the notion of essential contestability). As a result, Freeden asks us to look for and decode attempts of ‘decontestation’ in ideological language. This fundamental feature of the political he also calls ‘the finality drive of the political’ (see e.g. Freeden, 2013b: 120), because decision-making is vital. As politics demands finality, the decisions made based on a certain ranking of conceptual significance, will need to be decontested. Decontestation is to limit the infinite conceptions and to solidify the fluidity of meaning, by treating arguments so that they should not or cannot be contested. The purpose is to obtain stability in the political order. Jensen's call for mercy from the introduction is exactly an example of ideological language seeking to render one story of Danish peoplehood natural, normal and reasonable. Indeed what the discussion on Smith's theory of peoplehood from chapter 2 shows, is that decontestation in relation to political identity can be in the form of economic, political or ethically constitutive themes as part of an overall story of a people.

What I will be looking for in the ideological language within the policy area of public religion is especially the ethical theme, as argued for in the last chapter.

Thus, political order articulated in public discourse can appear to be socially legitimated, correct and even 'natural' as it upholds the preferred ideological structure. It is in this sense, that plurality is always a political potential and what ideologies attempt to counter. 'Even societies whose policies profess to promote pluralism or multi-culturalism exhibit a preferential ranking of the kinds of pluralism that are permissible' (Freedon, 2013b: 117). From the perspective of morphological analysis, this is the structural reason why peoplehood and secularism as ideological concepts inherently hold the potential of plurality, particularly in the form of alternative and competing (i.e. contesting) variants of the dominating discourse. As crucially pointed out, 'the category of ideology in general contains within itself the potential for infinite variety and alteration, but in every society some routes are regarded as impermissible or illegitimate' (Freedon, 2013b: 126). One could say that even though all positions seek to apply a specific ranking or distribution of significance to relevant ideas, their very existence represents the plurality or essential contestability of political concepts.

More generally in relation to my conceptualization of secularism, Freedon's approach is necessary as it provides a set of assumptions about the political world. This allows me to treat 'secularism' as not only one ideal concept, but as a term naming a range of related political constellations of concepts, components and structures. Inspired here by the main features of ideologies, which Freedon recently has pointed to (Freedon, 2013b: 134), I sum up four aspects of secularism which help understand why the concept find different expressions in different contexts.

First, I assume morphological variation in secularisms according to its *proximity* to other concepts in its environment. I have argued that the core or ineliminable component of secularism is separation, and due to its proximity to other concepts in the given national context, the core itself may vary as either separation-as-exclusion or separation-as-principled-distance. Furthermore in chapters 5 and 6, I discuss how the core component of Danish separation of religion and politics is in an interrelationship with a Lutheran notion of public religion as ‘church autonomy’.

Secondly, there is the *permeability* or non-exclusive nature of secularisms making them overlap each other on substantive issues. In the coming chapters I identify competing but intersecting positions in Danish political discourse, which in chapter 7 will be reconstructed as assertive and accommodationist Danish secularism.

Thirdly, there is the *proportionality* or the importance assigned to ideological components of secularism, allowing different types of secularism to hold different components as central. In chapter 5, we will see how religious equality is not assigned importance in Danish secularism in the same form as it would in e.g. the United States (see also figure 6, in chapter 7, page 273).

Finally, secularisms vary by how the components are *prioritized*. Prioritization means that the assigned centrality of different components including the core will be used to prioritize, which values and goods are considered socially important, and which are not. Therefore, Freeden also calls ideologies for ‘ranking devices’ at several occasions. Thus I use Freeden’s morphological approach to secularism as my methodological platform, from which I decode and interpret the conceptual patterns in empirically occurring political thinking relating to public religion.

What Freeden contributes to in my analysis is the understanding of political concepts in general, and the resulting approach to political thinking in particular. Thus using the terminology taken from Freeden's morphological approach to ideology allows me to argue that the conceptual morphology of secularism pertaining to proportionality and priority are in an interrelationship with stories of peoplehood as a culturally adjacent component (as also pointed out in chapter 2).

This points to the reason why a morphological approach to secularism will contribute with a perspective on secularism different from the related theoretical approach, e.g. represented by influential works by Talal Asad on the genealogy of secularism. While he shares a similar methodological concern for sensitivity to historical context, decontestation and the plurality of sources to the same phenomenon, Asad does not consider political identity *as part of* secularism, but as *related* to it (Asad, 2003: 187-194). A reason might be that his genealogical approach considers the emergence or epistemological implications of the development of *one* historical object: 'The genealogy of secularism has to be traced through the concept of the secular' (Asad, 2003: 192) as he establish. Being occupied by the interdependent relationship between the emergence of 'the secular' and 'religion' and how power as political discipline transforms itself through time, he does not seem to recognize adjacent components in secularism beyond these, which will is subject to both internal and external contestation. Thus, Asad does not explore how secularism might be part of ideological attempts to evoke certain conceptions of a political people, but instead asks (and rejects) whether nationalism should be considered secularized religion.

A related critique comes from Anders Berg-Sørensen, who argues that 'with reference to the Schmittian conception of political theology and sovereignty, Asad draws a picture of the secular state as a united and indivisible entity...'

making him unable to ‘pay sufficient attention to the institutional complexity of a secular state and the cultural pluralism of a secular society.’ (Berg-Sørensen, forthcoming: 43). The point here seem to be that while Asad's anthropology of secularism holds the potential to recognize a ‘plurality of perspectives at play in the regulation of religion and politics in a democratic regime’ (Berg-Sørensen, forthcoming: 44) through his genealogical approach, he does not take this step.

As the component of peoplehood is not often explicated in relation to the conceptual structure of secularism in the literature, I discussed it in length in the last chapter. Furthermore, it is for this reason that I search for not one ideal, blueprint secularism (or peoplehood for that matter), but an ideological doctrine of separation within a national context for which several positions struggle over domination.

3.2. Problem-driven interpretation

As mentioned in the beginning of this section, Freeden’s understanding of ideologies represent a more general methodological approach to the political within political theory, from which this study draws on.

One fundamental feature of this approach according to Freeden, is that ideologies and ideological language does not distort or alter ideal political principles, but *are* the expressions of existing political thinking and therefore what students of the political should focus on. In fact, if we wish to study actual political thinking or political reality ‘...we have no access to political ideas and thinking except as ideologies’ (Freeden, 2013b: 118).

This approach takes a hermeneutic stance in the sense that it renders nobody a privileged position to distance herself from the political, or to project any objective stance for that matter. ‘To the question, “are we all ideologists?”

the answer is that we all have occasion to use political language in a selective manner, we all piece our political concepts together in particular patterns, we all interpret them in logically indeterminate but culturally significant ways, and these thoughts have bearing on the political activities of ourselves and of others' (Freeden, 1996: 44-45).²⁷ Neither political philosophy, the history of ideas, post-structural political theory nor practical politics allows one to come closer to political truth than others. According to Freeden: 'Ultimately, ideologies are configurations of decontested meanings of political concepts, when such meanings are ascribed by methods at least partly foreign to those employed in currently predominant approaches of scientists, philosophers, linguists, or political theorists' (Freeden, 1996: 77).

Such an approach might at first glance come close to what Donald Green and Ian Shapiro has identified as problem-driven research (as opposed to method-driven or theory-driven which they consider as one position in that discussion) in the book *Pathologies of Rational Choice Theory* (1994). According to Green and Shapiro, problem-driven research is characterized by asking what explains a given political phenomenon, while method-driven asks how a given theory explains it (Green and Shapiro, 1994: 33). Method-driven research may be associated with causal and often probabilistic theory testing, or theoretical formalism evaluating logical stringency or accepted moral standards. Problem-

²⁷ This comes very close to the point in *Truth and Method* where Hans-Georg Gadamer points out that hermeneutic interpretation abolish the false antithesis of dividing '...the subjectivity of the interpreter and the objectivity of the meaning to be understood', that we should '... recognize that historically effected consciousness is at work in all hermeneutic activities.' (Gadamer, 2013 [1975]: 321, 349-350).

driven studies tend to emphasize the empirically rich and complex research design, by specifying ‘...the problem under study in ways that are not mere artifacts of the theories and methods that are deployed to study it.’ (Shapiro, 2005: 180). Within the positivist tradition of qualitative research, we may also recognize ‘grounded research’ as problem-driven.

Green and Shapiro contend that we should be careful not to be *either* (empirically irrelevant theorizing creating self-serving problems) *or* (post-hoc theory-mending), never to rest contently with revised theory (Green and Shapiro, 1994: 203). As specified by Shapiro ‘... political scientists have an ongoing role to play in exhibiting what is at stake in accepted depictions of reality, and reinterpreting what is known so as to put new problems onto the research agenda. This is important for scientific reasons when accepted descriptions are both faulty and influential in the conduct of social science. It is important for political reasons when the faulty understandings shape politics outside the academy.’ (2004: 39). While I do not claim that the theory of secularism is faulty, I do however claim that when confronted with different political contexts (identified as political identity or peoplehood), it needs to be conceptually expanded.

A stance of refusing to claim access to political principles beyond ideological language (and thus not itself contributing to decontestation of the meaning studied) in turn renders the above distinction between method-driven and problem-driven research somewhat problematic. In that connection Anne Norton has put both approaches of political science to the test of a Foucaultian understanding of power and knowledge, as she points out that even problem-driven research creates new problems. Norton operates with the distinction between ‘method-driven’ and ‘problem-oriented’ research, in which the former adheres to an ethics of ‘science as a duty... to subordinate our political to our

scientific ideals' and in the latter 'we ought to be scholar activists conscious of our political roles, and performing those roles conscientiously, in accordance with our political principles.' (Norton, 2004: 67-68). From this perspective, identifying a problem and trying to solve it, is also ultimately '...an effort to enlist all political scientists in a common ethic... the all-too-imperial desire for a rule, a single standard that can measure all, a maxim that applies in every case. Problem-solving here reveals its likeness to the method-driven political science it condemns.' (Norton, 2004: 78). The notion of problem-solving as closing down meaning of language, the hope of scientific neutralism embedded in it, and the blind spot of problem-solving (that it creates new problems), makes Norton prefer a scholarship, which is willing to '... see different ethics made real... Science is impelled by the drive to know the alien, the desire to comprehend the other.' (Norton, 2004: 79-80).

This drive for the mapping of existing ethics and different worldviews has received increased attention recently, in the form of 'new realism' or 'political realism' within political theory (e.g. Geuss, 2008, Floyd, 2010, Freedden, 2012 or Stemplowska & Swift, 2012). As Freedden has pointed out this discussion of realism has been led by a renewed theoretical focus on context, conflict and deconstruction of the political by such thinkers as Raymond Geuss, James Tully and Bernard Williams (Freedden, 2013a: 55, see also Honig & Stears, 2011). They are seen to represent an agenda to 'reject the ahistorical, abstract, false universalisms of most contemporary philosophy' (Honig & Stears, 2011: 201). However, while these realist research ambitions are largely shared by Freedden, he criticizes them for still overlooking something deeply political in politics: power relations, coercive power, ideology, strategic rhetoric, or discursive 'mythological' legitimations of authority (Freedden 2013a: 55-56).

Freedden's point in this connection appears to me to come close to Norton's skepticism of problem-solving political science. Since many realist scholars will not consider ideological language as part of their field of investigation, but as something to be filtered out, they cannot see that their own research effort itself exhibits ideological characteristics. He argues that the above 'political realism cannot shake off moral purposes' (Freedden, 2013a: 56), because this sort of political realism '... espouse an ethical mission to reclaim ground never before trodden by the dispossessed, a highly focused critical realism in its objective of improving the empirically demonstrable plight of the unequal and the marginalized, but not a realism in allotting due scholarly concern, say, to the multiple voices – in various registers – of the “oppressors”, the apathetic, or the misinformed, for they too occupy space in the “real” world' (Freedden, 2013a: 57). Thus, this sort of realism Freedden calls prescriptive in contrast to *interpretive realism*. The latter distinguishes itself from the prescriptive variant, in that it seeks to give '...an empirically related account of the features of the political as a basis to understanding politics' (Freedden, 2012: 1).²⁸

²⁸ I believe it is especially at this point Freedden's morphological approach to ideology differs from other related forms of ideology analysis, namely post-structuralism and discourse analysis, which are also focused on language and a Gramscian interest to uncover, decode and interpret 'hegemony as a conception of ideology preeminently serving to safeguard the power of a dominant class over the masses' (Freedden, 1996: 19). However, besides that morphological ideology analysis is primarily interested in concepts rather than units of language, according to Freedden, post-marxian thinkers like Chantal Mouffe will replace one ideological vision with her own (Freedden, 2013a: 61), and thus perform a type of critical prescriptive political theory (see also Freedden, 2013b: 132-133).

Interpretive realism is an epistemological stance, derived from the assumptions of the morphological approach to ideology (especially structural pluralism, essential contestability, decontestation and contextual conditionality of political meaning including the constant competition within and between ideologies). Preoccupied with ‘...exploring and investigating the actual and potential patterns of political thinking’ as ‘...both a precondition for and a limit on what philosophers and ethicists can then recommend’ (Freeden, 2013a: 64).

In an interesting contribution, Matthew Humphrey points out the latent realism in Freeden's morphological approach to ideology criticizing the ideal theory of analytical political philosophy. According to Humphrey, what unites realism and Freeden's approach ‘... is a conception of the political as a distinct field of enquiry, to which the application of methods developed for moral philosophy is, at best, far from straightforward, and at worst leads political philosophers badly astray’ (Humphrey, 2012: 242). This realist critique is aimed at ideal theory for its ‘abstraction, misguided idealizations, impracticality, acontextuality, utopian aspirations, and embodiment of a kind of ethical imperialism...’ (Humphrey, 2012: 241). As we saw above while Freeden shares such critique of much ‘Anglo-American political philosophy’, his morphological approach in addition distances itself methodologically from much realism. Freeden wishes to make a fundamental distinction between political philosophy and political theory, in which the former represents a kind of first-order activity of ‘thinking politically’ (and, following Norton's critique this includes traditional problem-driven research), and a second order activity ‘thinking about politics’

(Freeden, 2008: 197-208; see also his 2013 book dedicated to this definition of political theory and interpretive realism)²⁹.

However, as Humphrey points out Freeden's own interpretive approach to the political might not escape the normativity that it seeks to analyze from a second-order position, as its understanding of ideology itself '...reflect a certain liberal ontology' (Humphrey, 2012: 255).

3.3. Political reality between interpretation and critique

As Humphrey's discussion suggests, the distinction between thinking politically and thinking about politics might not be as stable and clear-cut as Freeden's hermeneutics of the political appear to suggest. In this section I will touch upon the discussion of the inevitable normativity in an interpretative framework.

Norton and Freeden are both critical towards problem-solving, prescriptive analysis of the political, insisting on truth as interpreted knowledge (and not the other way around), in order to maintain openness to the plurality of voices and world-views in the political sphere. Instead they seem leave the answer unresolved, what it means to distance oneself from the political if any act of the political scientist is political? Can the second-order analyst claim to escape normative prescriptions in her work? When I write in my introduction: 'The purpose is not to justify or normatively evaluate such regimes, but rather to bring attention to these as relevant for secularism theory' do I not make myself vulnerable to exactly this question?

²⁹ In his earlier work, Freeden called this 'the distinction between the ideologist and the analyst of ideologies' (1996: 133).

This problem appears to reflect a discussion reaching back to the seemingly unsolvable tension between Gadamer's philosophical hermeneutics and Habermas' critical hermeneutics. It highlights tensions between reflections of what we can know through interpretation (inseparability of the reader and the text and their embeddedness in tradition), and critique of ideologies for the sake of freedom and emancipation (Prasad, 2002: 14-23; Wargenaar, 2007: 324-330). In other words, it is a discussion of whether interpretation can and/or should contain normative ambitions, in the form of power critique and resulting prescriptive measures. Freeden is rather stringent in his insistence on analysis being ‘...*neither* substantively normative *nor* prescriptive...’ and argues that failing to keep this hermeneutic distance would transform analysis ‘... into either ideology or political philosophy, occasionally into both’ (Freeden, 2013a: 52-53). Perhaps this position mostly resides with Gadamer's philosophical hermeneutics, which ‘instead of aiming at intellectual control, conceives of knowing as a form of dialogue... an ongoing, gradual “coming-to-an-understanding”’ (Wargenaar, 2007: 316; see also Freeden, 1996: 113-117, where he emphasize the Gadamerian interpretation as understanding).

In Paul Ricoeur's essay, *Hermeneutics and the critique of ideologies*, he points out that while the discussion between the hermeneutics of tradition and the critique of ideology – personified by Gadamer and Habermas – indeed cannot be reconciled into one grand scheme, since they each ‘take a privileged place’ and ‘different regional preferences’ (Ricoeur, 1981: 100). Therefore, we should not radically separate the two different interpretive activities of ‘reinterpretation of cultural heritage received from the past, and the interest in the futuristic projections of a liberated humanity’ (Ricoeur, 1981: 100). The distinction between the ontology of hermeneutic understanding (Gadamer would call it tradition, Freeden would call it ideology) and critique (by reference

to an ideal not achieved, e.g. Habermas' ideal of unrestricted and unconstrained communication, Bader's notion of a minimally decent, liberal moral order or Laborde's critical republican virtues of non-domination and voice) thus should not be considered mutually exclusive, but as different modes of relating to the political. If these two perspectives lose sight (and respect) of each other's perspective, 'then hermeneutics and critique will themselves be no more than... ideologies!' (Ricoeur, 1981: 100). Thus according to Ricoeur, to position critique and hermeneutics as opposites (or even mutual critiques), amounts to a false antinomy like between reminiscence and hope. It should not be regarded as an antinomy, but as two different intellectual activities of relevance to social and political knowledge.

Ricoeur's take on the Gadamer-Habermas discussion does clear some ground for a hermeneutic position prioritizing interpretation and understanding over prescription. However it still does not directly answer whether a hermeneutic, Freedenian approach can escape some degree of normativity or ideology? I believe that the short answer is 'yes', and the longer answer is 'no, but...'. Let me explain.

Coming back to Norton's critique of problem-orientated research she is skeptical towards the impetus of identifying problems in order to solve them, as such an activity holds a danger to close down meaning and to narrow ethical possibilities. However, in this article she does not recognize what I believe is an important distinction: between *problem-driven* research giving primacy to current political problems as they are observable in the political discourse, and *problem-solving* research often building on the former, but encompass recommendation and prescription too.

To answer the above question: *yes*, with Freeden I too argue, that a second-order perspective does not in itself produce or reproduce ideology, but rather decode and map existing ideological discourses in political reality. Indeed, this is my method applied in the next three empirical chapters. That my approach is problem-driven does not entail that it is problem-solving in ambition. But this is not the whole answer.

To answer the question again: *no*, nobody can escape the muddy waters of normative claims embedded in one's research activity, but this sort of normativity belongs to another level. To illustrate this point, I will take Freeden's use of a map as a metaphor, which in his texts operate at two levels. At the first metaphorical level he considers ideologies as competing maps of the same terrain, offering different routes (logical or cultural ways) between the same towns (main political concepts) (e.g. see Freeden, 1996: 85-86). Here, maps are the metaphorical ways in which ideologies structure political thought. The other level is when Freeden himself draws a map, an ideological mapping, through his morphological analysis of ideology. As when he states: '...one of the tasks lying ahead of the political theorist of political thinking is to map and analyse the power aspects of those patterns of thinking that concern collectivities' (Freeden, 2013a: 280). Or 'Morphological analysis is appraisive rather than descriptive in its investigation of its subject-matter, imposing a selective map instead of reproducing existing contours.' (Freeden, 2013b: 133). Certainly, in chapter 7 I too offer both an ideational and visual representation of Danish secularism's conceptual structure – one might consider this a metaphorical mapping of sorts.

As the latter quote hints the map drawn by the analyst from a second-order perspective is not an objective description of reality, but an *interpretation* of reality, which inevitably will be selective: 'Ultimately, we must take account of

hermeneutic insights in realizing that an ideological map is a peculiar sort of map, one in which the cartographer plays a modest, though not decisive, role in fashioning the terrain itself.' (Freeden, 1996: 128). With a second-order analytical approach I do not claim to stand on normatively neutral ground, as I am contributing with a certain story of the world that I am interpreting, but this does not make the endeavor problem-solving *per se*.

Thus, to study ideological language and identity formation is to follow an epistemological assumption that social science best can expose intersubjective truth through language in the form of narratives³⁰ or discourses. By this, I mean neither to devaluate or relativize inherited cultural or religious dispositions which any nation and citizen carries (and which I am part of myself), nor to deem transcendent ideas and/or truth to be irrelevant or meaningless. Rather, I insist that any ideology or institution must be called by their proper name in a political context and be taken serious as such, even if justification in politics takes religion as its basis. If successful this study does not raise the question of how politics and religion should be arranged, but rather pushes the reader to contemplate with *which* political narrative we choose to establish order in the world. In that regard this study rather prepares the way for normative critique, but does not perform it itself. For example, while this thesis utilizes and builds on Smith's theory of peoplehood in its problem-driven, interpretive point of

³⁰ By narrative I draw on Mark Bevir and R.A.W. Rhodes who defines it as '...pointing to conditional connections that relate people, events, and ideas to one another explaining actions and practices without evoking the idea of necessity. Although these narrative structures also appear in works of fiction, we need not equate political science to fiction.' (Bevir and Rhodes, 2010: 78).

departure to political identity, it does not attempt to 'construct political peoplehood in morally defensible ways' as is part of Smith's project (Smith, 2003: Part II).

In sum, the interpretive policy analysis I have in mind holds the same epistemological ambitions as Freeden's morphological approach as a second-order analysis, in that it offers a theory of secularism based on empirical analysis of the political world. Even if this runs counter our normative and theoretical expectations, but I will not claim to stand on normatively neutral ground due to the hermeneutic impossibility to separate the reader from the 'text'.

The reader-text relation also means that as a Danish student of Danish politics, I should be aware that I myself am part of the tradition about which I seek to extract knowledge. Nevertheless, from an interpretive perspective I do not regard this circumstance as a limit to my knowledge about Danish secularism. As Gadamer pointed out, the historical consciousness must 'think within its own historicity. To be situated within a tradition does not limit the freedom of knowledge but makes it possible' (Gadamer, 2013 [1975]: 369). However perhaps like Freeden, I cannot claim to take a pure second-order position. This realization of my own boundedness in the ideological language which I analyze, should in best case facilitate a readiness for openness to the phenomenon under interpretation, in the sense it can change and inform the observer with unexpected and new possibilities (Gadamer, 2013 [1975]: 369; Freeden, 1996: 116). This should make the student of politics aware of his own empirical boundedness on the one hand, and on the other that the truth of the political knowledge we can gain, for the former reason, cannot be objective in any meaningful sense.

This kind of study, informed both by interpretive political theory and analysis focusing on one particular empirical complex, finds its inspiration from existing scholarly work such as Roger M. Smith's *Civic Ideals* (1997). This work investigates not just one grand idealized story of American political identity, but several conflicting and often disquieting stories of American peoplehood from the Declaration of Independence, to World War One. Another would be Mark Bevir and R.A.W. Rhodes' *Interpreting British Governance* (2003), in which they seek to uncover changes in both the conditions and the understandings of governance narratives in Great Britain. One could also mention Cécile Laborde's *Critical Republicanism* (2007), where she performs a critical reading of French identity politics in relation to immigration and concrete issues such as the hijab controversy, through which she is able to identify several competing narratives of French republicanism. Finally, one could consider the recent *Making Money – The Philosophy of Crisis Capitalism* (2014) by Ole Bjerg, where he interprets the political phenomenon of money through a philosophical and historical investigation, asking not if money works according to economic theory, but rather start by simply asking, what is money?

What these academic pieces have in common is to offer a more nuanced and precise language of how to speak about important political phenomena. They do this not by asking whether existing theoretical expectations are being met, but by opening up existing political categories fixed in meaning. Often these endeavors are cross-disciplinary, bridging political theory with e.g. economics, philosophy or history. That too is the methodological ambition of this thesis. The endeavor is to prioritize understanding over criticism, interpretation over justification.

Thus, I do not wish to identify the conceptual expansions from chapter 2 with a purely normative or an explanatory exercise. To use Freeden's phrase,

‘thinking about’ the proper place of religion in the public sphere and its governance does not entail answering (normative) questions like ‘How should religion and politics relate?’, but rather ‘In which ways are religion and politics related politically?’. While the former question might render prescriptive or normative answers, the latter question does not merely imply descriptions of how things are, but rather interpretations or decoding ‘features of the political as a basis of understanding politics’ (Freeden 2012: 1).

3.4. Structure of the analysis

As mentioned in the introduction of this chapter, the structure of this thesis is a methodological attempt to apply Freedden's morphological approach to not an ideology, but an ideological concept (peoplehood embedded in secularism – unity through separation). Furthermore, I will focus on a specific national context of this concept (Denmark and the established church in particular).

The methodological approach discussed above can also be considered as a form of *interpretive policy analysis*. This is a broad and varied collection of approaches to politics, which may be said to contrast itself from traditional policy analysis by not asking ‘what does this policy cost?’, or ‘how is the policy most effectively implemented’. But instead, ‘what does this policy mean?’ (see e.g. Hajer and Wagenaar, 2003: 1-30; Yanow, 2000 and 2007; Hajer, 2009: chapter 2, Yanow and Schwartz-Shea, 2013: xiii-xxxi). To be sure, I will analyze *specific policies* in chapters 5 and 6 in order to decode the ideological language surrounding these, and to conceptually reconstruct Danish secularism in chapter 7. As the second section in this chapter showed, I will be looking in the political language specifically for plural meanings of concepts, points of contestability, the contextual conditionality of political meaning and the struggle over

interpretive hegemony within and between concepts and their components (decontestation). Relating to secularism and peoplehood, this means looking for especially claims of unity through separation: how is religious freedom, religious equality and governmental neutrality grounded in a political people, in a Danish context through the above-mentioned ideological features? In connection to my interpretive policy analysis, I wish to point to three final methodological points.

First, I wish to note that in this study, we might consider secularism as an ideological concept to be both *explanans* and *explanandum*. On the one hand I am seeking to reconstruct the conceptual structure of secularism as an ideological doctrine (in constant contestation and competition), and on the other I seek to identify secularism thus conceptualized in concrete cases to understand the given policy. I use such a design firstly because the kind of secularism explored (modest establishment), has to be developed conceptually before proceeding. Secondly because I have to introduce secularism to an empirical context not familiar to this concept, by showing its relevance as *explanans*. Finally because applying my conceptually expanded secularism to a context like the Danish, can help nuance and deepen our conceptual understanding of secularism.

This design is based on the premise that it is actual politics, which is our limitation and point of departure of understanding political thinking, rather than ideal theory. Of course, it is not that ideal theory is irrelevant to this study, but rather the opposite. However ideal theory is part of ideological or political thinking, which consists of a wider spectrum of political utterances and acts.

A *second* methodological point regarding the analysis is that its empirical sources are primarily *text-based*. While I do subscribe to a hermeneutic or interpretive tradition, I do not use ethnographic observational studies as interpretation, but rather accessible texts. To explain, I will take Jutta Weldes'

(2013) helpful distinction between high data and low data as my point of departure. Where the former include official policy documents, parliamentary debates, laws, public debate in newspapers etc., the latter is popular culture such as movies, fiction, commercials, informal correspondences, architecture etc. Different kinds of data demand different kinds of investigation. In my attempt to access the political world in which policies are living, I build on high data texts while trying to pay attention to the actual context these exist in. Thus chapters 5 and 6 build empirically on legislative material such as passed law, draft laws, explanatory memoranda and parliamentary debates in addition to committee reports, public consultations (and views), debate articles in national newspapers and other public debate engagements.

Without denying the relevance of sources such as interviews, observations, questionnaires of relevant respondents or various low data in order to strengthen my argument empirically, I have chosen to limit myself in this respect. The mentioned alternative sources and the associated different methods would indeed be interesting to use as further analysis of the policy area. But I believe the mostly official sources are sufficient make my argument empirically sensitive, and not at least make me able to point to the relevant communities of meaning (political actors), and to the dominating discourses (what I called separation doctrines in the last chapter).

A *final* methodological point pertains to a dimension which I have not yet touched upon, but which is of vital importance: *history*. To answer the research question of this thesis in a meaningful way, indeed implies paying close attention to the historical dimension of Danish secularism. The historical dimension as an ideological and conceptual context plays a central and natural role in both Freeden's and Smith's work, and in this thesis it will do the same but without being a study dedicated to political history (e.g. Freeden, 1996: Chapter

3, Smith, 1997). The next chapter thus contains an investigation of the roots of the Danish separation doctrine, in order to contextualize the present ideological language. Whilst chapters 5 and 6 analyze two current policies they also contain some degree of historical contextualization.

However, when approaching the political world from the perspective of political theory, 'is reading about historical events a blessing or a curse, or even an imbecility? Is it the royal road to political understanding, or a dark and damning diversion from true political principles?', as Melissa Lane (2011: 128) asks in her discussion of the role of history in political theory. She distinguishes between history as constraint, and history as freedom in the context of political theory. Whereas the in the former history represents a distortion to seeing pure moral principles of justice, the latter kind of historical inquiry (like Skinnerian genealogies) might render 'more mental options than we previously had, so enhancing freedom to think' and thus to intervene in in our own culture's discourses 'so as to modify... the languages in which those assumptions are embedded' (Lane, 2011: 142; note also the familiarity to Gadamer's notion of openness in hermeneutics). She points to the productive interaction between political philosophy and history in the example of John Rawls' reformulation of the demands of public reason. After being confronted with the deep interconnectedness of religion and anti-slavery or religion and the civil rights movement (Lane, 2011: 150), he turned to a new understanding of a just interaction of religious reasons and politics as described in chapter 2. It is this perspective of history as freedom (to think), from which I depart.

Interpretation is a frame which focuses on decoding or reconstructing meaning, which accepts and insists of the plurality of meaning and not at least which is conscious of the historicity of politics. Particularly when studying the political enterprise of making citizens think as a people and even act as such, it is

important to acknowledge that nothing in these concepts is 'natural' or unambiguous. Nor is the production of knowledge of the social world. On the contrary, these concepts all have a history of different connotations in accordance to the power constellations and structures at the time. Thus a historicist dimension of analyzing political ideas and concepts is essential to understand the identity politics of today, and as part of the endeavor of conceptualizing the context. Hermeneutic research operates at both a synchronic and a diachronic level (e.g. Prasad, 2002: 24; Freeden, 1996: 120). When analyzing political concepts with an interpretive approach like the one applied in this project, history play an inevitable role as Freeden has expressed it (Freeden, 1996: 97).

History as context for political concepts is vital, because we could not otherwise understand the discursive usage qua the specific historical connotations attached to them in real public debates. Almost all political concepts as part of narratives of peoplehood contain a temporal conception. It could be an imagined past from which we should be dissociated today, a special path to progress or moral worth, a sense of pride of status quo etc.

Such a focus on the history of concepts sounds similar to the discipline of conceptual history, which treats concepts as the primary unit of analysis, and considers changes in the conception of these through time to be of essential importance to our contemporary understanding. It has its background in the works of German historians of 'Begriffsgeschichte', of which probably the most prominent figure would be Reinhart Koselleck (see especially 2004). However, my take on conceptual history operates in the wake of Freeden's reading of the Koselleckian tradition (Freeden, 1998: 117-123, 2013b: 132). Building on Koselleck's focus on inquiring political conflicts as a discursive competition over 'correct' concepts, this may be done through history and thus the understanding

of the plurality of (historic) meaning in politics. Freeden importantly points out that while traditional conceptual history serves the understanding of history, the aim of historic interpretation of political ideas instead should make concepts of ‘...history, place, culture, and morphology [of ideology] feed political theory’ (Freeden, 1996: 119; see examples using historical analysis in Freeden, 2005b). Thus, the historical reading of concepts are part of the Freedenian interpretive analysis, and for these purposes the aim is to inform discussions of the normative nature of present political matters.

As I have mentioned in chapter 2 and which will become more evident in the following chapters, underlying the question of Danish secularism is the problem of the unresolved legal boundaries between the church and the state. It results in a political struggle of how to understand Danish peoplehood in relation to religion. Thus one point of departure will be to compare the identified political concepts with relevant historic ones, in order to map the architecture and roots of the constitutive ideas of peoplehood. Indeed, it is to history which we shall now turn.

PART II

Chapter 4

Political struggles over the constitution of the church

4.1. Introduction

Secularism is often regarded to be one of the most essential products of political modernity, and thus mainstream representations of secularism are expected to entertain certain core liberal values as portrayed in chapter 2. But as in many other Western countries, early political modernity in Denmark was not only influenced by liberal and to some degree republican currents, but in addition by *romantic* ideas.³¹ As will be elaborated on in greater extent below, one of the most powerful ideas from this period is romanticism's idea of the people or the nation. In the construction of the national church of Denmark, Folkekirken, *one* church was created to peacefully contain most denominations, from revivalist pietism to rationalism and positions in-between. I say most, as some religious groups never found themselves included. But the Folkekirke was a political compromise between liberal and conservative ideals, in the name of romantic notions of the individual and the people.

This chapter has as its aim to render intelligible some of the historical sources of the present-day formation of secularism in Denmark. This period is

³¹ In this chapter 'liberalism' or 'political liberalism' will not be treated as an ideal concept, corresponding to for example Rawls' similar notion as discussed in chapter 2. Rather, liberalism will be treated as a historically prevalent ideology influencing political thinking of the period (see e.g. Freeden, 1986). For a recent morphological and conceptual historical treatment of Danish liberalism, see Nevers, Olsen and Sylvest, 2013.

relevant since it was the last time the question of religion was a profound political concern, and an actual constitutional matter. The settlement of this compromise at the founding period of the modern Danish state came to have an enduring impact for the years to come. Interestingly, the fundamental religion-politics relationship in Denmark ever since has been relatively undisputed, with only minor controversies in the way.

Though the Folkekirke was established by the Constitutional Act of Denmark in 1849, it was never granted its own legal framework to protect and define its autonomy vis-à-vis the state, notwithstanding this being the explicit intentions of the founding constitutional assembly (Gammeltoft-Hansen, 2006: 421-422), see also section 4.3.³² However, while the Folkekirke did not arrive at a constitution formally settling its relation to the state, a political doctrine to regulate the relationship between religion and politics in Denmark did evolve to restrain the state's interventions in the internal affairs of the church, and to restrain the church's political activities.

As discussed in chapters 2 and 3, I consider doctrines of secularism to be considered ideological concepts inspired by the political theorist Michael Freedman. In general, such an ideology-like separation doctrine maintains a secular polity and political people which it regulates. To conceptually reconstruct secularism with such a strong emphasis on a theory of peoplehood as I have done is not to claim, however, that secularism essentially is a sacralizing narrative, seamlessly merging supreme Godly authority with worldly government (a civil religion style argument). That secularism relates to religion

³² Article 66 in the applicable constitutional act states: 'The constitution of the Established Church shall be laid down by statute' (Folketinget, 1999).

politically neither necessarily entails religious politics nor political religion. Rather, secularism is a political relation constantly negotiated, and the ideological power exercised is one of boundary setting.

As a preliminary sketch of current Danish secularism (which will be further analyzed in chapters 5 and 6 to be conceptually reconstructed in chapter 7), I identify three analytically distinct but related elements of Danish secularism. First, the political identity dimension; a defining feature of the identity of the Danish people (*'folket'*) that still appears to be related to the Folkekirke. Though Danes at a macro level have been found to display a remarkably high degree of non-religious practices and beliefs in an international comparison, self-identification with the nation still appears to be related to certain Christian symbols and traditions. Secondly, the institutional dimension. The church is formally considered to be the fourth branch or pillar of the state alongside the tripartite system of political power. We can consider this formal arrangement of an established church to be the main institutional expression of current Danish secularism. Finally, the dimension of political principles. The aim of this doctrine is to promote religious freedom and equality in order to maintain a secular polity. While religious freedom is universal and comprehensive in Denmark, the principle of religious equality has traditionally been applied only within the parameters of the Folkekirke. The reason has been that the principle of equality was implemented in a religiously unified culture, what I call the multilutheran culture.³³

³³ I accredit the term 'multi-Lutheran' to Marie Vejrup Nielsen at Department of Culture and Society, Aarhus University.

Consequently, a central but simple point throughout this thesis is that when politicians or other important public figures argue for the preservation or reform of the status quo of church-state-relations with reference to 'Danishness' or the Danish way, they exercise a particular kind of ideological power through decontestation. In Denmark, this power is strongly related to the Folkekirke. Thus, the Folkekirke not only functions as the Evangelical Lutheran body organizing its 4,4 million members on 2300 churches, but it affirms particular political ideas of regulating public religion pertaining to Danish citizens. This is how I phrase Danish secularism, based on separation-as-principled distance and an ethical notion of community. This chapter is about how we arrived at such a doctrine.

4.1.1. The diachrony of Danish secularism

As several genealogies have shown, secularism was an early modern ideological device to distinguish initially higher times from secular times. Only after this did secularism start to signify the more contemporary meaning of the *spatial* separation of religion and politics (Connolly, 1999; Asad, 2003; Taylor, 2009: 1147).³⁴ Arguably, secularism contains both meanings today. It is not only about ensuring a proper distance between organized public religion and state institutions, but also about maintaining a secular sphere of reasoning which do not draw validity from religious statements. Alongside Freedman's terminology, these two meanings can be understood as 'conclusive devices' which functions

³⁴ For a similar point in relation to the interpretation of Luther's two kingdoms doctrine in Danish politics, see Kritik (2010) no. 195, especially Korsgaard: 3-11. I will elaborate on this point below.

to decontestate meaning (Freedden, 2013a: 23). It enables political practices by ensuring finality of meaning within this particular policy area, devices perceived to safeguard stability and certainty in a social order. As Freedden observes, there exists 'a general desire in contemporary politics as well as in past practices to identify institutions and devices that dispense such (reassuring) finality' (Freedden, 2013a: 109). In the context of Danish politics this has historically been the Folkekirke.

But there is a particular quality to such finalities, be they spatial or temporal, which is the *raison d'être* of this chapter. As an example when the biggest political party in Denmark, Venstre, in their policy agenda lay down that 'the constitutional exceptional status of the Folkekirke shall be maintained' (Venstre, 2014a; several other parties have similar formulations), we clearly see they use a language of necessity and closure in a time where the status of the Folkekirke is debated. The political party's attempt to decontestate may embolden the argument with finality and unconditionally, but the point of this chapter is that such a discourse is analytically distinct and historically situated. As Freedden notes 'the ending of debate relates to establishing its commencement rather than its temporal conclusion... The temporal boundary, then, is not inserted to distinguish between two contiguous zones, but indicates the site where the construction of the political commences, and towards which political thinking must gravitate as the anchor point of its subsequent and further assertions regarding the allocation of social competences' (Freedden 2013: 94-95). Even though ideological language, and in this case the language of Danish secularism, seem to claim spatial and temporal finality of meaning ('this is how we relate the church and the state', and 'that is how tradition/the constitution prescribes it'), there existed a formative time in Danish politics where it could not be decontestated.

As the previous chapter on the Freedonian methodological approach to political ideas discussed, this chapter points to the historicity of formal and ideational institutionalization of a secular imaginary in Danish politics. It does so by attempting to ‘reconstruct the conscious intentions of the thinker within his or her social context...’ (Freedon, 1996: 101).

To do this the following will proceed in two main steps. The *first* is to approach the contextual history of Danish secularism by a reading of Danish *secularization*, partly inspired by Charles Taylor. Here, I wish to emphasize three drivers of the development of a secular political sphere distinguished from a religious one (i.e. secularization), which influenced the emergence of a doctrine of Danish secularism in the late absolute monarchy:

- 1) The emergence of enlightenment-inspired liberal ideas. Both theologically and politically.
- 2) Revivalist groups, while religiously orthodox, had a politically liberal outlook as they demanded religious liberties and pluralism in society.
- 3) Ideas from romanticism, especially the emergence of romantic nationalism or peoplehood replacing a ‘paleo-Durkheimian social order’.

From a historical perspective, Danish secularism did not develop formally adherent to explicit institutional principles of separation as we saw it in France or The United States, but subscribed to a mixture of enlightened principles and monarchical tradition.

Having outlined this early modern political context, the *second* part of the chapter then turns to reconstructing three of the most important models of state-church relations from this period.

The purpose is to read a rather well documented part of Danish church history, from the theoretical perspective of secularism and peoplehood. Contrary to the existing historical body of literature, focus would not be on *why* the various political attempts never came to be realized, but rather on the common threads revealed in the political discourses on peoplehood and secularism. These discussions may reveal much about the dominating political narratives of the Danish identity. Point to the way certain narratives came to dominate and therefore possibly how the horizon of possibilities for the present commission work on the church constitution (chapter 6) and how it has come to be conditioned from such a legacy.

4.2. The early modern context

The period surrounding the political system changed towards the first constitution of 1849, which was indeed a turbulent part of Danish history (Østergård, 2006; on the European wars and revolutions, see Breuilly, 2013: pp. 97) For the purposes of this thesis I will focus on the struggles and changes in the doctrine of separation, which gradually developed during the 18th century. Before the time of the absolute monarch there existed no formal distinction between the state and the church (Glædesmark, 1948), and therefore no direct phenomena of relevance to study for this chapter. Quite explicitly a number of ritualistic, dogmatic and formal requirements were in place to ensure a state church generating a people forged in true Lutheran belief and morality. In this process, the church was an organic extension of the state body. They were one unit.

The unity was documented in detail in the Danish Act of Succession of 1665 (*'Kongeloven'*), the Danish Law of King Christian V (*'Danske Lov'*), the libri symbolici and the books of rituals and service (Glædesmark, 1948: 9-16). From

these the Danish people were defined as Lutheran, which was to be taken quite literally as only citizens baptized in the true Lutheran faith could achieve actual citizenship (Glædesmark, 1948: 57). The unity of a political and religious identity in the supreme authority is evident in the first section of Danish Act of Succession of 1665, which technically was applicable law until 1849. In this constituting piece of legislation, the absolute monarch commands all descendants of the throne 'for the next 1000 generations' to serve and worship the only true God in manners and practices revealed in the Bible and the Augsburg Confession (the protestant manifesto of Melanchthon and Luther presented to the Emperor Charles V at Augsburg on 25 June 1530).³⁵ It is the duty of the absolute monarch '... to hold the countries' citizens firmly by the pure and unvarnished belief and [the monarch] shall enforce and protect these countries and kingdoms against all heretics, fanatics and blasphemers'. The next section established that the monarch holds the absolute authority to do this: 'The absolute monarch of Denmark and Norway shall from now on be recognized and esteemed as the most superior and supreme head on earth by all subjects, and no other head or judge shall find himself above neither in clerical nor in worldly affairs, save God alone' (see Kongeloven, 1665).

The fact that a strict formal regime existed in social, political and religious matters did not mean that people in practice observed the orthodox spirit of the laws. As the Danish church historian H. J. H. Glædesmark has emphasized, the

³⁵ After the introduction of the absolute monarchy in 1660, King Frederick III promised the nobilities to formalize the new regime into an everlasting founding inheritance Act. While it was signed by Frederick III in 1665, it was not known to the wider public until the later King Christian V was anointed in 1670 where it was read aloud, and officially publicized in 1709, see Østergård, 2006: 67.

absolute monarch's church-state regime in fact saw an ongoing disintegration in favor of Enlightenment theology and rationalism from 1750 onwards (Glædesmark, 1948: chapter II; also Rasmussen, 2011).

4.2.1. Political secularization: Unity challenged by early liberalism

As touched upon in the introduction, the emergence of enlightenment-inspired liberal ideas was part of the secularization process. I will focus on the political and theological ideas.

Political liberalism became increasingly instrumental to the process of differentiating religion from politics. It was part of the gradual transformation from the organically coherent society to one ruled by a free constitution.³⁶ This early-modern conception gained its inspiration from the social theory in 17th century natural law. From here, the idea of a church constitution parallel to a state constitution was developed, and these ideas were carried on all the way up to important Danish political figures surrounding the first free constitution of 1849 like D. G. Monrad (1811-1887) and A. S. Ørsted (1778-1860), along with important legal scholars such as H. Ussing (1743-1820) and J. L. A. Kolderup-

³⁶ This development was probably not independent of the turmoil in European politics in the 1830's. The second French Revolution in 1830 led to a more liberal constitutional monarchy, which arguably sparked the rebellion and later independence of Belgium from the Netherlands. One could also mention the failed November Uprising in Poland crushed by Russia etc. (Bregnsbo, 1997: pp. 287; Grane, 1982: Chapter II). Internally in the Kingdom of Denmark, consultative assemblies representing the Estates of the Realm were created in 1834, to which a small proportion of the wealthy population could be elected. Within this system, liberal voices also started to organize themselves (Bregnsbo, 1997: 289).

Rosenvinge (1792-1850). These politicians operated with the notion of so-called 'collegial' theory of church government ('*Kollegialsystem*'), which was inspired by Enlightenment ideas and natural law (Rasmussen, 2011: 43-46).

In particular, the German scholar Samuel Pufendorf (based in Sweden) is a relevant source to understand a history of European and not at least Danish secularism, inspired by early Protestant natural law.³⁷ Not at least did he conceptually distinguish between an ecclesiastical and a state sphere of justice and these ideas were very influential in Danish legal and political thinking up till the mid-19th century (Rasmussen, 2011: pp. 44). His social theory of justice was intended to be based not on Christian arguments, but on reason (Dufour, 1994: 570). From this perspective, Pufendorf build a theory of church governance differentiating between *jus circa sacra* and *jus in sacra*; between state power and ecclesiastical power pertaining to the inner affairs of the church (this itself inspired by the Lutheran two kingdoms doctrine, more on this below). In the book *Of the Nature and Qualification of Religion, in Reference to Civil Society* from 1687, he was concerned about when a Prince of temporal governance transgressed his bounds of the church (e.g. Pufendorf, 2002: §44).

The relation to God, the spiritual sphere, cannot be touched or divided by any worldly power. 'If we take a full view of the whole Structure of Civil Societies, and by what means Subjects were united under one Government, we shall find them to differ as Heaven and Earth from that Union, which belongs properly to the Body of a Church' (Pufendorf, 2002: §32). Thus Pufendorf argued

³⁷ Of the early natural law thinkers one could also have mentioned Grotius, Hobbes or even Spinoza, all of whom Pufendorf was in a critical theoretical dialogue with (Seidler, 2013).

that the state did not find its *raison d'être* in religion, but rather in the protection of human freedom including the protection of the individual's religious freedom (Zurbuchen, 2002: xi). While the protection of religious freedom seems modern, he maintained the supreme authority of the monarchical sovereign above all worldly matters including the church and the duty of his subjects to obey in accordance to natural law (Pufendorf, 2002: §7; Zurbuchen, 2002: xi; Rasmussen, 2011: 44). Yet within his social theory a distinction of the spiritual and the worldly had been integrated, and with that the foundation to a modern conception of religious tolerance had been forged. As he concludes near the end of his book: 'Sovereigns may, nay ought with a safe Conscience to tolerate such of their Subjects as are of a different Opinion from the Established Religion' (Pufendorf, 2002: §50). It can be argued that Pufendorf, in the wake of the Edict of Nantes in 1685³⁸ tried to strike a balance between a rational social theory protecting some degree of religious liberty and a tradition of centralized monarchical state power, which was regarded as the safeguard for social order and public morality (see also Zurbuchen, 2002: xii-xiii). This balance seemed also to have been a concern in Danish political thinking.

Before returning to Pufendorf's influence upon the Danish context, I will have to briefly treat the before mentioned connection between the Two Kingdom's Doctrine and a political order conducive to separation between church and state. To be sure, the Lutheran two kingdoms doctrine has been, and

³⁸ Where the French king, Louis XIV upset large part of European Protestant intellectual circles by renouncing laws granting toleration of Protestant minorities.

still is today, an influential idea in Danish politics (see also Dabelsteen, 2011: 73-75).

a) Martin Luther's Two Kingdoms Doctrine and its interpretations

The basis of the often referred to doctrine can be found in Martin Luther's famous work on the relation between Christianity and politics, *Temporal Authority: To What Extent It Should Be Obeyed* from 1523. Here he writes: '...For this reason God has ordained two governments: the spiritual, by which the Holy Spirit produces Christians and righteous people under Christ and the temporal, which restrains the un-Christian and wicked so that, no thanks to them, they are obliged to keep still and to maintain an outward peace... Both must be permitted to remain. The one to produce righteousness, the other to bring about external peace and prevent evil deeds. Neither one is sufficient in the world without the other. No one can become righteous in the sight of God by means of the temporal government, without Christ's spiritual Government' (Luther, 2014 [1523]: 4-5).

This distinction between the spiritual and the temporal is interesting in a Danish context, as it appears to have been coupled with a notion of Danish peoplehood from the early modern period (indeed also in a Scandinavian context, see Witte, 2014). As is also the case today, this doctrine has been taken to mean the separation between church and state – a spatial or physical distinction keeping the religious communities and state institutions apart. In this understanding, the Lutheran Two Kingdoms Doctrine comes close to a separation doctrine of secularism, legitimized by Lutheran or Protestant theology. It might appear as a paradox that the Lutheran doctrine is the

foundation to the separation of religion and politics, and in this sense it might be tempting even to speak of Christian secularism.³⁹

Together with other rebel Wittenberg theologians, Luther was one of the most authoritative counselors in the process of implementing Protestant state churches in public law around Europe. Likewise, the newly reformed King Christian III (1503-1559) arranged that the Danish reformation would be guided by some of Luther's closest allies, and that the Church Ordinance (the law regulating internal and external affairs of the Evangelical Church), was personally overlooked and approved by Luther (Lausten, 2004: 126-139). In this way, Luther's ideas of temporal, monarchical power were expressed in the new church institutions of the King's church (Auken, 2005: 49; Lyby, 2006: 21-24; Korsgaard, 2010: 7).

In that connection it may be regarded as a paradox that it is the Two Kingdoms Doctrine, which is pointed out to be the constitutive idea of separating religion and politics. As Luther's thoughts were conceived almost half a century ago, it is an important point that he did not know of modern conceptions of 'state', 'people' or 'democracy' and very little in his own writings would suggest that his doctrine should result in the separation of religion and politics, quite the contrary (Auken, 2005; Korsgaard, 2010). In a sense Luther

³⁹ A current example on this use could be that of the prominent Danish People's Party member, Søren Krarup: 'No, where the gospel is not preached and claimed to be the truth about human life and the life of the people, then religion and politics are confused... not before the difference between God's and the emperor's kingdom underlie the temporal government will it be secular and able to distinguish between religion and politics.' (Krarup, 2008). See also the quote of former Minister for Ecclesiastical Affairs, Birthe Rønn Hornbech (V) in chapter 7 on the Two Kingdom's Doctrine.

was one of the first to point to the problem of the church-state relation as part of his confrontation with medieval theology, but ‘...the discovery was part of a theological consideration and not a state philosophical one. It must be maintained that his potential influence on the secular state and democracy was not foreseen, nor desired by him’ (Lyby, 2006: 19).

The idea of keeping religion restrained to the private sphere would be an absurdum for Luther living a medieval time of feudalism. Luther's Two Kingdoms Doctrine was not a dualistic category of spatiality to separate church and state, but an *interactive category of relations* united by God to distinguish between the spiritual and the temporal (Auken, 2005: 48; Korsgaard, 2010). In other words, Luther placed the church in both kingdoms as both visible (temporal) and invisible (spiritual) respectively, and both kingdoms were Christian. ‘If the spiritual rule of the church governs only public matters, how dare the mad temporal authority judge and control such a secret, spiritual, hidden matter as faith?’ (Luther, 1523: 12-13). The extent of the temporal power even if unreasonable is thus absolute, save the spiritual kingdom where the monarch, according to Luther, holds no authority or power. But the implication of *Temporal Authority* was also that Luther abolished civil disobedience as legitimate under *any* circumstance (besides if the monarch transgress the boundaries of faith or becomes mad) (Korsgaard, 2010: 7; Luther, 1523: 19-21).

The fact that Luther's doctrine has been and still is being used as a reference to justify a certain spatial demarcation between religion and politics, thus appears to be an ideological construction stemming from the 18th and 19th century. The emerging social and political movements which were partially derived from the popular pietistic currents of the 18th century and the liberal theology in the 19th century (more on this below), needed simple and appealing concepts to operate with (Auken, 2005, 46; Østergaard, 2010: 46).

We thus saw the transformation of the Two Kingdom's Doctrine from a relational to a spatial differentiation, so that it could be more consistent with the popular ideas of the nation and the people, in an age of emerging liberalism and freedom rights.

When 'the people' gradually became regarded as a category of sovereignty it replaced common religion as the source of coherence and legitimacy for the state. However, for deep cultural and religious reasons Lutheran theology could not be abolished in the 19th century, despite the presence of Enlightenment and liberalism. Therefore, Lutheranism's paternalistic social theory had to be reinterpreted and adapted to a system ruled by the people. However, it should be noticed that Luther's social theory was not purely elitist, static and patriarchal, but also brought about new innovative ideas of political order (see Witte, 2014). It is this ideological construction from the Danish theological and political heritage, which allows one variant of Danish secularism to combine liberal and Lutheran vernacular.

b) Important figures in early Danish Enlightenment

Arguably, one of the most central figures in Danish and Scandinavian Enlightenment, and whom Pufendorf particularly influenced, was the scholar and author Ludvig Holberg (1684-1754). Through dissertations on natural law and other 'improving literature', he contributed to Danish intellectual and political thinking with themes such as anti-authoritarianism, anti-elitism, equality, progress and rationalism (Bredsdorff, 2004: 52; Glædesmark, 1948: 21). Not to mention his work about tolerance. Toleration in early Enlightenment was mostly associated with religious tolerance, and later was secularized to be associated more broadly with political freedom and citizen rights (Kjældgaard, 2004: 65). Much of the most monumental works of tolerance and natural law-

based principles of freedom can be considered as reactions to absolutist states restricting, banning or prosecuting religious minorities. The before-mentioned Edict of Nantes did not only inspire Pufendorf but also John Locke to initiate a series of works on toleration, of which *A Letter Concerning Toleration* from 1689 might be the most famous. Here, Locke explicitly speaks of separation. 'I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other' (Locke, 1824 [1689]). The just boundary Locke has in mind is based on exactly the 'duty of toleration', which in the same text equals churches abstaining from violence, civil rights being independent of religious affiliation, religious authority pertaining only within the church and religious leaders preaching peace and tolerance.

In particular Locke's works on religious toleration were known by Holberg, who introduced these ideas to a Northern European audience through his own literature (along with Pufendorf and Grotius's natural law theory, see Tamm, 2004). The themes of religious tolerance and the notion of civic equality drawn from natural law were seen in such works of satiric travel romances and in other pieces by Holberg. In one text he formulates one version of religious tolerance. 'A zealous maker of heretics, when overrun by great enthusiasm or zeal and persecuting heretics, need only imagine this. If I became a citizen in another country where my orthodoxy was considered heresy and for that reason found myself being persecuted, as I persecute others now, would I not want to condemn the *Princioium Intolerantiae*, which until now I have loved so much?' (as quoted in Bredsdorff, 2004: 47-48). This quote may be one of the most explicit utterances of tolerance as Holberg, while influenced by early European Enlightenment champions like Pufendorf, Locke, Montesquieu and Bayle had a more indirect, satirical and metaphorical approach possibly because of the

monarchy's censorship, who hardly accepted his writings (Kjældgaard, 2004: 71). Perhaps the most prominent example was the fable *The Journey of Niels Klim to the World Underground* from 1741. This was a fantastic account of the journey to a world with different forms of government, cultures and customs underground. As a satiric metaphor for Europe, the protagonist is confronted with outlandish and exotic peoples different from his own. From this, Niels starts to develop an understanding of the strange customs of foreigners. 'Ever since then I always judge with greater care those who might go astray, and now I unceasingly cry out for tolerance' (Holberg's Niels Klim quoted in Kjældgaard, 2004: 72).

A quite remarkable demonstration of Holberg's influence on the elite in the Danish Kingdom was one of the most influential political figures in the generation following Holberg's: the royal physician to the mentally ill King Christian VII, German Johann Friedrich Struensee. For a brief period between 1770-1772, he became the de facto ruler of Denmark-Norway, making 'one of the most sweeping, resolute attempts to reform European society from the top downwards on a libertarian basis' (Israel, 2012: 823). He was strongly influenced by Enlightenment ideas of Spinoza, Locke, Voltaire and Rousseau as well as Holberg (who translated or introduced quite a few of the European thinkers), and wanted to 'liberalize the economy, liberate the serfs, and generally bring his idea of Enlightenment to Denmark' (Laursen, 2000: 192). With almost unrestricted access to reforms Struensee encouraged the mad king to introduce unrestricted freedom of the press (including religion and politics), to all parts of the united kingdom of Denmark-Norway in 1770 as the first county in the world (Laursen, 2000: 189; Israel, 2012: 823).

Besides conservative and Denmark-loyal forces fearing these radical reforms (some of which Struensee's opponents later watered down), his

reputation did not improve when it was revealed that he had a scandalous affair with the Queen. His reign was short as he was arrested and beheaded for high treason in the Palace Revolution of 1772.

Yet the influence of Struensee's short *de facto* rule introducing radically progressive reforms of Danish society had a lasting impact. The scandal had both exposed the weakness of absolute monarchy (a mad, incompetent and powerless king being a strong symbol of this), and the unpopularity of radical Enlightenment as it had changed the popular perception of the role of the monarchy and public opinion (Horstbøll, 2007: 182-3). The conservative and nationalist forces taking power (led by the conservative and patriotic O. Høegh-Guldberg), portrayed Struensee as a *German* heretic advocating immoral Spinozism trying to dissolve a divine social order (Laursen, 2000). Struensee had not only dishonored the Danish throne, but had disgraced God's representative on earth, the Church and the Christian social order (Bach-Nielsen, 2012: 356). The unusually brutal public execution of Struensee had the form of a religiously staged rite of exclusion of the philosophy he represented, in order to win the hearth of the common people (Horstbøll, 2007).

Even though the symbolic and divine strength of the absolute monarchy had been restored, something had changed. In the years to come Denmark saw neither the complete breakdown of the monarchy in the form of republican revolution, nor a fully despotic and absolute rule. Something in between emerged which maintained the absolute monarchist order, but still with a stronger emphasis on Enlightenment, Danish nationalism and public opinion (Bregnsbo, 1997: 250-264; Bach-Nielsen, 2012: 358).

The fall of Struensee was not so much due to his Enlightenment ideas or the comprehensive reforms of the state administration, as was the style of governance, or that he was German or even his many enemies in the state

system. It was the fact he had slept with the Queen, which became the official reason (a 'lèse-majesté') for his arrest.

4.2.2. Theological secularization: Unity challenged by revivalism

The cultural and political influence of Enlightenment thinkers in Denmark was strong after this and ideas of tolerance, constitutionalism, democracy and freedom rights were certainly not unknown (e.g. Korsgaard, 2008: chapter II; Østergård, 2006: 60-65). Enlightened political ideas had many influential supporters in the Danish unified kingdom, and did not stop with Struensee.

When the son of the mentally ill King Christian VII took power in 1784 (but was not officially monarch before his father's death in 1808), King Frederik VI and likeminded politicians such as A. P. Bernstorff (1735-1797) and C. D. F. Reventlow (1748-1827) continued the liberal reforms in the decades to come based on Enlightenment-inspired liberal ideas (Glædesmark, 1948; Laursen, 1998, 2000; Rasmussen, 2011, Østergård, 2006).

As part of the secularization process, the rationalistic influence in politics especially spilled over to leading clerics in the church under the rule of Frederik VI (Bach-Nielsen, 2012: 375). Within the state church, the rationalist influence came to heavily dominate the theology and more leading figures within this highly conservative absolutist church. It then started to promote reason, freedom of preaching and enlightened naturalist teaching both in religious and worldly matters (Bach-Nielsen, 2012: 376-378; Bregnsbo, 1997: 299-304). The influence became so strong that they started to change the liturgy accordingly, even in cases contrary to formal enactments subscribing to orthodox Lutheran theology. The rationalistic influence saw its peak in the 1820's, known as *liberal theology* (Glædesmark, 1948: 29; Koch, 1944: 95-119). This period also indicated the height of the distance between the absolute monarch's state

church's principle of dogmatic, liturgical and spiritual unity and the Enlightenment ideas.

These kind of enlightened ideas were the first time we saw the early steps being taken towards a separation doctrine within the church itself. The separation came in two disguises. The first was that official dogmatic and liturgical order was simply not observed.⁴⁰ The leading clerics of the state church did not follow the official principles, and the church was in itself a threat to the absolute monarchical order, as it per definition can only contain *one* dogmatic order. The second was more substantial; liberal theology and related theological currents influenced by rationalistic or based on Enlightenment ideas considered the church to be a society within the society, a realm *different* from the state. These ideas of the civil people being something different from the absolute monarch and as a consequence from the state church became evident in public sermons as early as in the 1770's (Bregnsbo, 1997: 325).

Even though these natural law ideas became more prevalent in the monarchy and church, the ideational secularization had not yet transpired in political institutions. The rigid constitution of the state was still one of an absolute monarch and everything else was subordinate to this, including all subjects and the church. As noted, the absolutist law was in effect until 1849, and according to the Danish historian Uffe Østergård the ideology of governance of the period was one of 'enlightened absolutism ruled by "patriotic" consent'

⁴⁰ It is important here to distinguish between dogmatic and social order obedience to the monarchy. While the dogmatic differed from orthodox Lutheranism, the pastors were generally representatives of the state system preaching loyalty and obedience to the king (Bregnsbo, 1997: 328).

(Østergård 2006: 67). We can therefore say that liberal ideas of separation at this time (e.g. religious freedom) were more of an ideational current than an actual doctrine with an institutional expression.

However, it was not only the result of theological and political liberalism in the establishment which led to a constitution celebrating the principle of religious freedom. The literature has also pointed to a less obvious factor that contributed to a modernization of Danish political outlook, concerning the relationship between religion and politics in the first decades of the 19th century: *revivalism*.

The beginning of this century culminated in a polarization between religious assemblies of common people (pietistic or herrnhut revivalists), and the dominating rationalism (Lindhardt, 1951: chapter II). As described above, the latter position had until then been dominating the top theological tiers. The institutional function of the state church of uniting and ensuring a social and religious homogeneous order had not changed. Instead, where an older orthodox strand of Lutheran Protestantism had dominated before as prescribed in laws and central official books of rituals and symbols, this enlightenment inspired rationalistic theology had overtaken the role as the uniting religious outlook.

As in most other Western contemporary states, various forms of protestant and revivalist religious communities proliferated in opposition to the established religion of the absolute monarchs (Sanders, 1995: 23-24). Often they were regarded by the clerical and political establishment as 'heretics, fanatics and blasphemers', but some were tolerated as long as they were not considered a threat to social order. At this time, natural law and enlightened liberal ideas of power restraint, tolerance and liberty rights had started to curb the absolutist religious governance.

The Danish revivalist movements became louder and more public in their protests against what they considered as a dry and cold rationalistic theology of the state church. They were actively proselytizing and missionizing against the false doctrines of the rationalists, and the true piteous reading of the Holy Scriptures (Sanders, 1995: 264-268; Lindhardt, 1957: 25-37). As so-called pious gatherings (*'gudelige forsamlinger'*), which were known and feared by the establishment and mostly based in rural areas, they consisted of gatherings reading the Bible piously predominantly without a pastor to lead or read for them. Because of this, the period has also called been called 'the peasant revival' (*'bondevækkelsen'*).

What is interesting about these layman-based and agrarian, conventicle movements belonging to the late 18th century and the first half of the 19th century is that they became part of a gradual political modernization of Danish political thinking (Bredsdorff, 2003: 94). By challenging the monopoly of the state church pastor to read the Bible, they also challenged the social imaginary of the time. Hanne Sanders has pointed out that these groupings in opposition to the state church were actually facilitating a development of secularization, not in the sense of dechristianization of society, but rather in the sense of a pluralization and de-monopolization of religious belief in a people. According to Sanders we saw a beginning secularization of Danish politics in that the state church and the official religion changed (not diminished), its function (Sanders, 1995: 225). She points out that these movements contributed to a development in which the official religion no longer constituted a shared social imaginary or political identity, but that religion now was a matter for the individual (Sanders, 1995: 256).

4.2.3. Conceptualizing Danish secularization inspired by Charles Taylor

This notion of a change in the social imaginary from pre-modern to modern and perhaps beyond, which liberalism and revivalist groups helped facilitate, corresponds generally with what Charles Taylor has called the processes of secularization in *A Secular Age* from 2007. Taylor proposes two helpful ways of understanding the complexity and un-linear development often referred to as secularization. On the one hand he introduces a chronological categorization of historically varying conditions of belief. On the other, he introduces ideological perceptions of the political community. As we shall see the two are overlapping in time, and are in constant flux. Together, these two categorizations might help deepen our understanding of the early Danish secularism.

First of all, Taylor operates with three periods in succession pointing up to today; what he calls narratives of secularization. The first period, the Ancient Regime, 'interwove church and state, and presented us as living in a hierarchical order, which had divine endorsement... This earlier, "ancient régime" form was connected to what one might call an "enchanted world"... the kingdom existed not only in ordinary, secular time, in which a strong transitivity rule held, but also existed in higher times.' (Taylor, 2007: 446). We find this perception quite clearly in the quotes from the constitutional act of the absolute king.

Succeeding this we find the Age of Mobilization, which according to Taylor lasted roughly between 1800-1950 (Taylor, 2007: 471), from which a 'modern moral order' was gradually instigated. Significantly, what was introduced was that each individual had equal access to a communal order and was not organically embedded into a hierarchical order (in a Danish context the political historian, Tim Knudsen, has called this 'the rational-legal unification', see Knudsen 2009: 95). This meant that social order now was ensured by inducing citizens 'through the actions of governments, church hierarchies, and/or other

élites, not only to adopt new structures, but also to some extent to alter their social imaginaries, and sense of legitimacy, as well as their sense of what is crucially important in their lives or society' (Taylor, 2007: 445). Likewise, this was also raised by Sanders who emphasized the importance of the peasant revival being not only religious, but to a high degree also political (see also Glædesmark, 1948: chapter II, Lindhardt, 1957 and 1967; Rasmussen, 2009: chapter III). Together with the rationalist state church pastors, they acted politically as they helped change the old conception of public authorities towards one of a common social contract, and one of freedom rights (Schjørring, 2012: 448-455). What was new, however, was not a demand for public authority to be bound by law and rational purpose (the absolute monarchy was already influenced by German cameralism based on science and natural law; see Bregnsbo, 1997: 248-250; Lindenfeld, 1997: 11-20), but what constituted authority and for whom. As Denmark has never seen a violent revolution towards a liberal order, such as the Second French Revolution of 1830, it may make sense to view the transformation to a more liberal order as building on top of already existing state structures. With the new free constitution, the state apparatus and its power symbols (including the king) remained, but its subjects became citizens and the source of power shifted from the monarch to 'the people' (Schjørring, 2012: 461).

At times, the fairly aggressive proselytizing and organization of large parts of the population by early and later revivalist movements affected the social *secular* order. Taylor points to two stages in this period: an early moral order of a providential strand in which the natural order has been put in place by God. Here social and moral order needs to mirror the Divine. Thus, state institutions were designed to realize a religiously and morally just society in accordance to God's will. The other was an independent moral order, which did not need any

reference to God. This was truly a modern moral order since state power now had to be founded on 'the will of a people which had no need of some pre-existing law to act as a people, but could see itself as the source of law' (Taylor, 2007: 198). I would argue that the period from the introduction of Enlightened ideas in political and theological thinking, over the revivalist counter-movements to the first free constitution in 1849 and onwards, reflects exactly this development which Taylor points to. It is commonly stated that between the time of 1840-50 the state now became 'divorced' from the church in favor of the people. The people were the legitimate source of power in accordance with liberal constitutional principles, and with the higher times or a notion of a God-given natural order.

In addition, Taylor operates with a less chronological and more ideational categorization; that of the development of social imaginaries, transitioning from a 'paleo-Durkheimian' over a 'neo-Durkheimian' to a 'post-Durkheimian' social order. With Durkheimian, Taylor designates a society in which 'the Church is that of the whole society, to which everyone must belong' and therefore meaning that if the Church is both 'the guardian and articulator', the 'church and social sacred are one' (Taylor, 2007: 442). His point is that in the first two pre-modern social orders, the state and its associated power is ontologically dependent on God and higher times (and thus both Durkheimian in a loose sense). Whereas this contrasts with the paleo-type which 'interwove church and state, presented us as living in a hierarchical order, which had divine endorsement' (Taylor, 2007: 446), the neo-type 'the senses of belonging to a group and confession are fused, and the moral issues of the group's history tend to be codes in religious categories' (Taylor, 2007: 458).

It seems that the ideal-type of the paleo-Durkheimian dispensation corresponds in many ways to the unified Lutheran culture, with no formal

distinction between the state-church and the state as Glædesmark (1948) would argue. The neo-Durkheimian dispensation in its invocation of providential modern moral order of mutual benefit could be seen as equivalent to the *multilutheran culture*. Here different and competing denominations within the same strand of religious theology are the prevalent organization of public religious communities, even adhering to the same overall church organization. In such a society, moral order is providential and social order should correspond to God's design of nature. We recognize this in a quote from D. G. Monrad, the most prominent liberal politician and lead author of the first free constitution, when he forged his vision of an emerging liberal political order, by reference to 'the great economic law embedded in human social order by God' (from Nevers, 2013: 108). Here we see the idea of allowing society to mirror the natural order, in the Danish case, by letting the state ensure this on behalf of Christianity.

Post-Durkheimian designates a social dispensation in which the ever-increasing individualism now becomes completely unhooked from religion as 'the "sacred", either religious or "laïque", that has become uncoupled from our political allegiance' (Taylor, 2007: 487). On the one hand the spiritual as such is no longer intrinsically related to society, and on the other the modern self when placed in such a fully *immanent frame* detached from transcendence for the sake of instrumental rationality, becomes existentially 'buffered' from any kind of meaning outside the mind (Taylor, 2007: 37-42, 542). It is this development of new social imaginaries which paved the way for the last chronological category, Taylor calls the Age of Authenticity in which expressivist 'self-orientation seems to have become a mass phenomenon' (Taylor, 2007: 473).

Now, Taylor's point is that these ideational formations of social imaginaries are not necessarily bound to time but will vary in strength spatially and temporally. I utilize these Taylorian concepts in order to position early Danish

secularism in a macro-sociological context. Taylor's perspective makes explicit that large parts of the political logic residing in a strong, ethically based principled distance secularism seem to be caught between two forms. The first is a neo-Durkheimian religiously defined political identity-mobilization. The second is a post-Durkheimian independent ethics of an immanent frame. I would argue Danish society to a wide extent could be characterized by these two dispensations today, which will also be a theme in the following chapters. The point here is '...not that our present day is unambiguously post-Durkheimian... Rather there is a struggle going on between these two dispensations. But it is just this, the availability of a post-Durkheimian dispensation, which destabilizes us and provokes the conflict' (Taylor, 2007: 488). It is in this direction Danish secularism is constantly developing, and the reason why it seems to have such an ambiguous expression in the public discourse today.

4.2.4. Ambiguous relations between the ancient regime and the modern order

It is in this sense of transitioning from a paleo to a neo-Durkheimian imaginary, and thus from an Ancient Regime to an early modern one, that society experienced the Weberian disenchantment. This states that political identity and social imaginary had to find something other than religion as its constituting principle. We track back this ambiguous relation between enlightened ideas, and a providential order of natural law from the perspective of the 'enlightened' state church clerics, king and his court and advisors. They found that tolerance and reason were important ideals and did indeed grant fairly extensive concessions to some revivalist movements.

As an example during the influence of the liberals A. P. Bernstorff and his successor A. Struensee, and even after the Palace Revolution in 1784, denominations dissenting from the state church were allowed in the form of

'colonies' within the kingdom. A community of the Moravian Church (Herrnhuters), were permitted to build the colony Christiansfeld within which full religious, educational and business freedom was granted along with a range of other concessions in 1773 (Thyssen, 1967: 37-42). But at the same time, social and religious separatist sentiments were considered dangerous after seeing the result of the extremist French revolutionists. A series of persecutions and trials targeted these movements in Denmark. One example was a series of revivalist groups between the late 18th century up until 1840, grouped under the common name 'the strong Jutlanders' (*'de stærke jyder'*). They were inspired by pietism and thus differed from the state church teaching. There were many disputes, scuffles, trials and conflicts between the established church, its pastors and political supporters on one side, and the revivalist groupings on the other. They accused each other of false teachings, immorality and acting aberrant, and from this the revivalists were denied access to the communion table, heavily fined or imprisoned (Hegnsvad, 1967: 179-252).

Some of this tension and political ambiguity of religious rights drew to a close after the period of around 1840's (Sanders, 1995: 64; Rasmussen, 2011: 15). I will point to two important aspects here.

The *first* is that even though the revivalists in a way disputed the unity of the social imaginary, the institutional unity of the state church (thus the religious and social unity of the population), was far from challenged. Nevertheless tension was created, but was handled by making the state church more accommodating (*'rummelig'*). This strategy was quite characteristic of Danish politics, and reflected a general move in policies related to public religion in the first half of the 19th century. In the cracks emerging in the absolute monarchy, enlightened ideas of religious tolerance seemed to be deposited.

As an example, the king decided in 1840 that revivalists would no longer be legally prosecuted in order to accommodate demands of freedom of (Lutheran) conscience. By royal decree in 1841, Catholic priests were legally permitted to stay in the territory. While the revivalists were in fact Lutheran and even members of the state church, other dissenting religious communities were not legal. Nevertheless, they could be *tolerated* by king (at this time these were only the Reformed, Catholics and Jews – 0,4 percent of the population) (Rasmussen, 2011: 16-17). The increased level of Lutheran accommodation and tolerance partially helped absorb the tension stemming from especially revivalists in the 1840's.

In historical studies, the Baptists is especially pointed out for having never being absorbed into the unified Lutheran state culture, and thus turning into an increasingly strong symbol of the obsolete principles of absolute monarchy in an Enlightened time (Glædesmark, 1948: 70, Rasmussen, 2011: 23). The trouble with the Baptists was that they did not accept the Lutheran state church rules of child baptism. One reason for the latter might be that not only did they challenge the state church pastors' monopoly on exegesis as other revivalists did, but also challenged the very liturgical form of the sacraments. The problem was that the Baptists demanded something which the political system could simply not give them without itself changing: legal religious freedom. In this sense they became intrinsically linked to the wider push for an actual separation of religion and politics, but in a different way than the other revivalists.⁴¹

⁴¹ Thus, in relation to the majority narrative, it is interesting to note that it has not historically been driven solely by the majority's political leaders, but also by the struggles of the 'dissenting' religious communities in the 19th century. This

The *second* aspect of the shift of importance in the period of 1840 was that the agrarian, layman revivalist movement lost momentum and slowly disappeared. Sanders argues that another kind of religious movement took over, which in large part shared a rejection of the rationalist theology and demand for increased freedom of preaching and dogmatic. Instead, they had a different outlook when it came to the relation between the state church and the state (Sanders, 1995). This movement primarily consisted of two main groups both insistent on reforming the established religion from within and not by

important aspect cannot be given as much attention as it may deserves in these limited pages, as I have chosen to focus primarily on the majority story. Of the most important instances of political struggles connected to the relation between the majority and religious minorities were the Jewish communities, the Catholic Church, the Methodist and the Baptist communities (see e.g. Møller, 2012; Lausten, 2005; Rasmussen, 2009: 62-83, 169-194). Their cry for state recognition sparked debates between key political figures like A. S. Ørsted, D. G. Monrad, J. P. Mynster and N. F. S. Grundtvig on religious freedom, and whether the parliament or the government should deal with such matters. Could public social order be maintained with these new sects roaming the streets? Would Jews be allowed to take positions as judges? Could these communities refuse to baptize and confirm children? Could they build temples, churches and synagogues wherever they so wished? Such questions led to emotional and heated debates on freedom rights, state duties and public morality.

However, suffice it to note at this point the gradual increase of religious tolerance and granting of freedom rights to religious minorities was a crucial part of the formative elements which led to the introduction of real religious freedom for all Danish citizens in 1849 (see also Rasmussen, 2009: 39-40) – a constitutive component of Danish secularism. But the strong repression, intolerance and violence these religious communities experienced in this century (and later) is also a tragic part of history. Thus, the increased presence of religious minorities and their struggle for recognition in the 19th century was a relevant historical context and instrumental for the development of the early Danish separation doctrine.

separating. One led by the hugely influential pastor, N. F. S. Grundtvig from around 1840 and another group, the Inner Mission from around 1860. What they shared was a theological concern of exploring the true form of Christian teaching and life not based on rationality. The Grundtvigians were especially concerned with the cultural and political cohesion of the people as well. These new movements continued the demand for greater religious tolerance and freedom of conscience, and from this perspective freedom of religion and consciousness was as important inside as outside the established church.

However what is curious about this development of secularization is emphasized by the Danish bishop and scholar P. G. Lindhardt, who has pointed out how the early agrarian conventicles (later in addition the urban bourgeois class) were to a wide extent Lutheran Orthodox religiously, but politically liberal. In contrast, the official state clerics at the time were theologically liberal, but politically conservative (Lindhardt, 1967: 108-122). As he stated 'in the time of pious gatherings pastors and peasants stood on opposite sides as different estates of the realm, each fighting for class interests in which economic, political, social and religious motives merges into one struggle' (Lindhardt, 1951: 26). From a general perspective this development was driven by the gradual breakdown of a Lutheran conception of political power. This conception of the established power base was founded on the three estates of the realm: the clergy, the nobility and the commoners (see Bregnsbo, 1997: part II; Bayer, 2008: 122).

In this way the revivalist movements contributed to increasing the pressure of changing the political system toward a dawning representative government. This presented a struggle that the new nationalistic revivalist movements inherited and contributed to, even stronger both before and after the free constitution. The gradual transformation of a legally incompetent peasant

population, to the formation of an independent people made up of an increasing number of voting citizens (and the corresponding gradual dismantling of the powerbase of the absolute monarchy and the nobility system), was partly expedited by the pressure stemming from international developments in Europe and North America. Another influence was the agrarian reforms around the period of 1780, and the founding of a coherent national educational system (the Education Act of 1814). In interaction with these developments, the struggle by both the early agrarian and the later nationalistic revivalists played an important role in this process.

Though the two new revivalist movements grew into the most important and dominating religious outlooks in the 19th century in Denmark, and thus contained the religious sentiments and potential conflicts *within* the national church, the liberal demands of religious freedom and some sort of distance between the church and the state had not been silenced. Through liberal theology, the reason-based distinction between the spiritual and the political realm had been introduced. Through the early revivalists, the individualistic faith and the demand for religious freedom had been pronounced, and through the later revivalists the agenda had been taken back to the established church. This was along with a concern for the production and reproduction of a coherent and self-conscious Danish people.

When this free constitution was passed and the new system put into place, the new church-state regime was established. The paramount institutional expression of this regime was the new Folkekirke. With later modifications, the fundamental principles of church governance have been largely maintained up until today. As will be developed further in the following chapters, the political doctrine supporting this regime roughly builds on liberal notions of religious freedom and equality. This extended to any religious community, and a certain

distance between the state and the Folkekirke began to merge with a strong notion of an ethical political community.

This separation doctrine constitutes a compromise between several political positions which were present in the political struggle in the decades up until 1849. In section 4.3. I will sketch out the components of three positions, which helps to deepen our understanding of the present-day secularism and further explain how it came about.

However, in order to understand the principles of the Danish separation doctrine, we will need to take into account another child of the enlightenment – modern romanticism. I will therefore briefly discuss the role of the romantic notion of political community, since to great extent this was the cultural and philosophical horizon of much political thought in the beginning of the 19th century.

4.2.5. Religion and the romantic people

From former theoretical discussions of secularism, I found that secularism and political liberalism broadly conceived seem to overlap rather strongly in the academic literature. As pointed out above liberal ideas of freedom (for the press, religious groups, civil society, and personal freedom) were introduced in Danish politics around the middle of the 18th century (Korsgaard, 2008: 33). However due to the particular historical tradition, these ideas were introduced only partially and far slower than in some other countries. From around the period roughly from 1780-1850 this was not one of secularization in the sense of the disappearance of religion but of *transformation* of religion. Instead, religion was along the lines of a Lutheran social imaginary as an organizing principle, together with the absolutist monarch. Yet as early modernization began, religion related to societal order very differently.

From then, the nation or people took over as the organizing principle of society. From referring to only the absolute monarchs with their institutions and territories, the mid-18th century saw 'nation' and 'people' beginning to designate the broad population of the territory. This included peasant emancipation, mass mobilization and not to mention a shift from elite to folk culture (Breuilly, 2011: 78-89). Thus many European countries in the mid-19th century saw nationality being put explicitly and centrally on the political agenda, particularly in connection to notions like the nation and the people (Breuilly, 2011: 97; Korsgaard, 2008: 37).

As Ove Korsgaard suggests this era of the nation saw at least two influential ideal-typical ways of connection the people and the state relevant to a Danish context. Jean-Jacques Rousseau (1712-1778) promoted a republican kind of nationalism connecting the French people with the state, separating the formation of the citizen from the formation of society. With Rousseau, the idea was introduced that it was the sovereign people who held the power qua the social contract (Korsgaard, 2008: 42). Also, Johann Gottfried von Herder (1744-1803) who influenced much of the German-speaking parts of Europe did not only believe that the people held the power of the state but in addition held an independent cultural identity, most identifiable through shared language (Østergård, 2006: 77-78). Here, the formation of the individual and society was deeply interwoven and became an organic product of history (Berlin, 1973: 12; Korsgaard, 2008: 30-31). With both Rousseau and Herder, this meant that 'the people' took the place of the church as the organizing principle for the secular state and in that respect, religion became opposite to the secular.

I consider the part of secularization related to the people as absolutely critical to our understanding of what secularism actually is. Doctrines of secularism emerged to maintain social order by giving privilege to the civil

people to hold secular power and not religion. From this perspective, secularism is the ideological doctrine which corresponds to the sociological process of secularization. However, we should not forget that secularism does not merely separate religion from politics, but in fact produces the very perception of religion and the secular. Allow me briefly to expand upon this point.

As discussed above, early secularization in Denmark was not so much a matter of a decline in religious activity and importance (on the contrary, church attendance grew during the second wave of the revivalists in end of the 19th century; Iversen, 2008: chapter 11). Secularization is more accurately understood as associated with a change in our social imaginary and pluralization of religious outlooks. As José Casanova established when discussing the different ideal-type distinctions of secularization as religious decline, privatization and differentiation, it is only the latter one that seemed to draw upon an empirically sound conclusion (Casanova, 1994). But at the same time, Casanova also raised the question of the very concept of religion. When we begin to question whether religion and religious practice in modern societies has risen or is in decline, we assume a certain meaning of religion. With Casanova I will let the definitional discussion rest here, but it is safe to say that 'religion as a discursive reality, indeed as an abstract category and as a system of classification of reality, has become an undisputable global social fact'. Therefore for the purposes of my discussion, most importantly this fact 'testifies to the global expansion of the modern secular, religious system of classification of reality the first emerged in the West' (Casanova, 2012: 27). I wish to stress the latter part in particular, focusing on the modern secular-religious system, since it points to a development of the dichotomy religion-secular.

As Colin Jager has argued, religion is not to be understood as a natural thing 'out there', but instead should be understood in connection to the various crises

of authority which the transformation of early modernity produced (on such a 'radically social theory of religion' Jager is not alone; see e.g. Asad, 2003: 25). The concept of religion 'was invented to answer particular needs at a particular historical moment', in post-reformation Europe where notions of 'true religion' and the 'religion of others' were needed in order to designate social identities (Jager, 2008: 797).⁴² The systematic, political response to this was secularism as developed in its different forms, see chapter 2.

In other words, the invention of distinguishing the transcendent from the immanent order, religion from the secular, was the creation of Western, Christian inspired secularism (Taylor, 2009: 1146). It was this Neo-Durkheimian secularism which according to Taylor, later transformed into an immanent frame. Here, "secular" refers to the institutions we really require to life in "this world" and "religious" or "ecclesial", to optional extras that often disturb the course of this-worldly life... The goal of policy is often to abolish one while conserving the other.' (Taylor, 2009: 1147). As an important part of this argument, Taylor states that the concepts of religion, the secular and secularism were not only influenced by Enlightenment natural law and later liberalism and republicanism, but also influenced by *romanticism*. In particular, Taylor points to the Romantic protest against the human as separated from its inner nature (the post-Durkheimian expressionist turn is derived from this romantic critique, Taylor, 2007: 489-90), from its relation to nature, and most interestingly from human community (e.g. see Taylor, 2007: 315).

⁴² The analytical point of 'religion' as an invention in a dialectic relation to 'the secular', is however silent on the question the ontological nature of the phenomena. It is merely intended as a conceptual historical claim.

Building on the above considerations, I wish to emphasize three main drivers of the development of a secular political sphere, distinguished from a religious one (i.e. secularization) which allowed for a doctrine of Danish secularism to emerge:

- 1) The emergence of enlightenment-inspired liberal ideas. Theologically, in the form of rationalism in the state church, this instigated a conceptual difference between the church and the state and differed from the absolutist order. Politically, in the form of the demand for a constitution containing freedom rights, especially the freedom to depart from established religion.
- 2) Revivalist groups while religiously orthodox had a politically liberal outlook, as they demanded religious liberties and pluralism in society. Here I should also mention the 'dissenting' religious communities and their struggle for recognition in Danish society.
- 3) Ideas from romanticism, especially the emergence of romantic nationalism, or peoplehood replacing a "paleo-Durkheimian social order".

I will elaborate briefly on the third point. To be sure, it was a Herderian *romantic* notion of the people which came to dominate the political discourse on nationality in Denmark (Korsgaard, 2008; Østergård, 2006; Vind, 1999: chapter 2). In the time around the passing of the first free constitution of 1849, liberal rights were not dominating but only partially arriving on the scene (Østergård, 2006: 76-91). There was also a strong influence of romanticism which affected science, theology, literature, philosophy and therefore developing a romantic notion of the individual and importantly had a spirited sense of community.

Romanticism claimed that religious and moral potentialities could not be fully captured by rationality and naturalist science, but instead should be discovered and cultivated through 'organic communities, that is, historically anchored, complex social groupings...' (Morrow, 2011: 39).

Without going into further depth with the complex story of romantic idea's influence on the political thinking within this period in Denmark, I will limit myself to note that core ideas of religion, the individual and political community were not monopolized by liberalism. Rather, they were heavily influenced by romanticism as well. We should acknowledge that romanticism was not necessarily a tradition of thought in opposition to liberalism and republicanism. Often, it was the case that it influenced more than it functioned as an alternative political vision. Borrowing a formulation from Colin Jager, one could say that romanticism can be understood as either a nostalgic resistance to Enlightenment or rather as a critique of critique (2010). It is the latter which is the relevant notion of romanticism in this discussion.

In this understanding, romanticism is a reaction to the intellectual dominance of enlightenment critique of the Ancient Regime in religious, legal, philosophical and political matters, but at the same time made concessions to the former. A good example pertaining to Denmark is the influential Prussian theologian Frederick Schleiermacher, who was not entirely in opposition to Enlightenment and scientism, but in dialogue with both liberalism and romanticism. Schleiermacher's project was to accommodate Protestant Christianity along with the critique of Enlightenment, and on the way his concepts of church and church politics became very influential on the political thinking in Denmark (Iversen, 2008, Lindthardt, 1967; Rasmussen, 2009; Friisberg, 2003). The revivalist movements were influenced by such German idealistic counter enlightenment in their theology, where it was the salvation of

the individual which was central and later spilled over into claims of individual right of religion. Of such romantic-influenced critique, one could mention the leading figure of the later nationalistic revivalists Grundtvig. He initiated the so-called *struggle of the church* ('*Kirkekampen*') from the period around 1820 which had as a main target the liberal theology's critique of pietism and dogmatism by reference to reason and morality, see Grundtvig' protest publication called *Retort of the Church Against Professor Theologiæ Dr. H. N. Clausen* from 1825 ('*Kirkens Gienmæle imod Professor Theologiæ Dr. H. N. Clausen*', Grundtvig, 1904-1909 [1825]). He believed these men of enlightenment in the state church were in danger of creating a new papal regime built on rationalism, with too great a distance to the living congregation (Schwartz Lausten, 2004: 221).

To be sure, romanticism not only had an influential impact on the individual, but also an important relation to peoplehood. This notion was both in opposition to the Ancient Regime of paleo-Durkheimian subjects to the king, and partially in opposition to the citizenship of republicanism ignoring the importance of language, history, blood and soil (Breuilly, 2011: 88-97; Wilson, 2011: 29). According to Jeppe Nevers, when the notion of a people as a political concept in Denmark went from being conceptually associated with Lutheran estates of the realm, to be associated with the romantic idea of the people as an organism, the romantic interpretation went in two directions (Nevers, 2011: 120-7). The first was a notion in which the people did not hold any autonomy, but instead held a will that its father figure, the absolute monarch, could consult. This is what Friisberg has identified as romanticism understood as the assertive harmonization of the Biedermeier culture, which connoted conservative ideas of legitimizing the absolute regime (Friisberg, 2003: 100).

But the other notion tradition of romanticism went with the direction of a Herdian notion of the *Volk*, and society as an organism. This was seen more as a

corrective or critique of the liberal critique of absolutism, rather than simple nostalgia or refusal of enlightened republicanism. What we might call Herdian republicanism would perhaps better today be recognized as romantic nationalism or even national-liberalism (see Friisberg, 2003). National-liberalism was one way of conveying a romantic critique, trying to maintain certain liberal principles of freedom (see also Nevers, 2013: 103). Important founding fathers to the new state system of 1849 such as N.F.S. Grundtvig, D.G. Monrad, Orla Lehmann A.S. Ørsted and H.N. Clausen were all influenced by the new current of liberal ideas, but at the same time persuaded by romantic notions of the people, the church and the individual (Friisberg, 2003: chapter 8 and 12; Vind, 1999: chapter 2). According to Friisberg, romanticism functioned for many artists, politicians and intellectuals as some kind of ideational curtailment of the violent and abrupt societal changes, which Rosseausian republican ideals potentially could result in (Friisberg, 2003: 68-69).

Romanticism was a way to mobilize people to *become* a free liberal people, and thus can be seen a prism through which liberal ideas shone. In particular, the idea of the organic continuation (from the Ancient Regime to an increasingly individualized and immanent frame) of a unique and intrinsically valuable national character, language and religion which Herder and other German romantics like Johann Gottlieb Fichte (1762-1814) and Friedrich Wilhelm Joseph Schelling (1775-1854) conveyed. This was important in the articulation of a correction of both the Rousseauian people, and the absolutist subjects (Friisberg, 2003: 86; Morrow, 2011; Jager, 2008 and 2010; Berlin, 1973). According to Friisberg, this organic idea of the people was related to the romantic notion of what he calls 'the optimistic dualism' (Friisberg, 2003: 102). It was a Hegelian idea of the Godly Supreme's appearance in the phenomenological world and the dialectical movement from subjective

realization in the human, to the objective realization in the state towards higher stages of the world soul. Not only do human beings have access to this Godly Supreme through its representation in worldly phenomena, but this world is valuable because it has part in the Godly Supreme not unlike Taylor's providential neo-Durkheimian order (Hegel and romanticism, see Taylor, 2007: e.g. 315 or 541).

For example the Danish scientist and romantic Hans Christian Ørsted (1777-1851) believed that it was the purpose of scientists to refine and enlighten the common people through reason and Godly Truth, in order to realize the true soul of the people (*'folkeånden'*). Only then could the common people be granted political rights like the intellectual elite (Friisberg, 2003: 99). As was common at the time, Ørsted evoked a nationalistic Herderian notion of the Danish people in combination with a Hegelian idealistic belief that we can build society to mirror a Godly Supreme design. Or in other words, promoting individualism in opposition to the Ancient Regime, but refuted the opposition between the individual and the community or people, which radical republicanism would have.

What might be called 'political romanticism' back then, was characterized by being critical towards potentially revolutionary Enlightenment ideas as witnessed in revolutionary France. Yet at the same time, being susceptible to certain liberal principles and opposing the absolutist regime of status quo. I thus wish to propose that Danish secularism sprang from not only traditional absolutist Lutheranism and liberal principles of liberty from the enlightenment, but in addition from a romantic notion of political community. The Folkekirke which was established with the 1849 constitution seemed to combine these three influences, and the following will explain how such a doctrine might have been configured.

4.3. Outlining three major positions on religion and politics

In the research of this period, I have not found reason to believe that the fundamental question of the relation of religion and politics concerned the Danish political public for extended stretches of time. As an example, the question of a church constitution granting the church a certain amount of formal autonomy and freedom from the state, which originated at least since Pufendorf started to be read in late 17th century Denmark, never really surfaced to the political agenda before this time, which was around the system change of March 1848 (Glædesmark, 1948: 130).

The conclusion seemed to be that the realization of religious freedom, with an actual institutional expression in a church constitution was not conceivable before political freedom was introduced, i.e. the abolishment of the absolute monarchy in favor of a representative, constitutional monarchy. As Rasmussen writes, 'Religious freedom belonged to the personal freedoms and was not as salient in the debate as the political freedoms in the period around 1840. It was in the air that religious freedom was a part of the general freedom rights, which would follow from a free constitution' (Rasmussen, 2011: 21). By the same token, after the free constitution of 1849 the organic social order of church and state had to be dissolved. In the interpretive report from the constitutional committee, it was established that the state church of the absolute monarchy 'has to be abandoned in a constitution which acknowledge the principle of religious freedom' (Grundlovscomiteen, 1848: book II: 1481).

But as 99.9 percent of the Danish population were members of the Lutheran state church (now the Folkekirke), the founding constitutional assembly did not spend time defining the new church institution (Rasmussen, 2011: 11). There were more pressing political problems to be solved. The details of church

governance and the general relation between public religion and the state had to be settled in parliament by law, and not in the constitution. As is clearly stated by the constitutional committee of 1848-49, the intentions of the promissory clauses for a constitution of the Folkekirke and special acts for dissenting religious bodies (article 66 and 69 in the current constitution, respectively) was not to revolutionize but to develop the national church in accordance with the newfound freedom rights. ‘...further arrangement has to be solved by future state legislation. There has been a transitional framework in mind, which would not pose any drastic breach [with the state church], while still allowing free development’ (Grundlovscomiteen, 1848: book II: 1481).

A coherent discussion of the principle relationship between the state and the church (represented in the question of a church constitution), except the relation between religion and politics as was intended by the founding assembly, was never really explored in depth by public debate or in the parliament (Glædesmark, 1948: chapter VIII). The discussion lingered in the background. Although heated debates emerged especially between theologians on how to reform the state church from 1820 and how this influenced the general debate, political considerations in the two parliamentary chambers were removed from the agenda in the form of two failed church commissions in 1853 and 1868 (Rasmussen, 2011: 229-231). Instead, the basic state church structure was extended until a church constitution was passed (which never happened), and different governments tried to satisfy varying demands of religious freedom *within* the old institution by sporadic ad hoc amendments. For example release from the obligation to avail oneself exclusively of the services of the incumbent of the parish (1855), or the democratization of the parishes (1903) which was the first place where women were given full franchise in Danish society (Glædesmark, 1948: 518). As such, the gradual effort to widen religious

tolerance and accommodation within the old regime continued in the new regime. It has even been argued that these liberal ad hoc amendments through the end of the 19th century and into the 20th, in effect removed the pressure to bring about the constitution (Glædesmark, 1948: 518).

However, because we never witnessed a principled political debate on the formal settlement of church governance in particular, we saw only few explicit considerations from the parliamentary debates on this liberal neo-Durkheimian social order. Inspired by two church historians half a century apart, Glædesmark (1948) and Rasmussen (2009 and 2011) I would thus argue that we might get the best idea of the dominant positions on the political thinking of separation by paying attention to three major positions. These are represented by three major political figures in the public debates in the first half of the 19th century; not political ideologies, but compounded views bringing several political principles together from monarchism, romanticism, liberalism and natural law.

These ideal-typical positions all related to the inevitable passing of the first free constitution in 1849, where minimalistic legal scaffolding was created to define the established church. Before we turn to the church models however, let us therefore briefly stress some features of the new Folkekirke, which the founding constitutional gathering created (Based on Grundlovscomiteen, 1948, see also Glædesmark, 1948: chapter VII):

- It was considered a vital institution in Denmark with a special bond to the people and the state. As such, it was established and supported by the state.
- Following the status of establishment, it was considered an independent entity from the state which should have its own constitution.

- It was a church for the majority of the people (as it was stated in article 2 in the draft of the constitution, but taken out because the committee found such a formulation too obvious, see Grundlovscomiteen, 1948: book II: 1533; Gammeltoft-Hansen, 2006: 137).
- It was a church different from the absolute monarchy's state church, especially because the principle of religious freedom now had priority. Still, it would continue most of the old traditions.
- It was a church defined as Evangelical Lutheran.

Thus, the constitution took the first steps towards formalizing the relationship between public religion in general, and the state.

Putting this minimalistic definition aside, it was clear that further definition of this general relationship was needed if a church constitution was to be passed. Many central questions were left to be decided: should the Folkekirke be able to decide for itself, and based on what issues? Only theology or also economy? How should it be organized? Does the church hold its own property, or does it belong to the state? How should the inner affairs of the church be defined and should the state have the right to interfere here as well?

These questions were the concern of the time around 1849, and as we will see in chapter 6 they are very much alive and unsettled today.

It is interesting and quite characteristic for the Danish separation doctrine, that in spite of universal principles like religious freedom and tolerance, secularity in politics has a fairly strong presence. Importantly, the question of settling the relationship between the Folkekirke and the state is often considered independent of the same question pertaining to the rest of society. When reading the constitutional discussions, there can be no doubt that a dominating view amongst the founding fathers was that the Evangelical

Lutheran church was more important than other religions and should be treated in the constitution accordingly.⁴³ And it is in this light, that the three dominating church models are to be seen. With Freedén's terminology we could say, that it is a cultural limitation to an ideological concept's logical structure.

The argument for overriding the principle of religious equality does not seem to be that it is more true or morally proper (at least not in the political sphere), but instead that it is the will of the *people*. Even though much of the discussions were strongly influenced by natural law ideas, this was exactly what Pufendorf was against. 'It cannot be deny'd, but that some have cunningly abused Religion, for obtaining their Ends in the State. But, Religion in it self considered, Is not made subordinate to the State, or to be deem'd a proper Instrument to serve a States Turn, and to keep the People in Obedience. And, when Religion is called, Vinculum Societatis Civilis, The Cement of Civil Society, it must be taken in this Sense; That if all Religion and Regard, which ought to be had to God's displeasure, were abolished, there would be no Tie left, strong enough to oblige Mankind to a compliance with those Laws and fundamental Constitutions' (Pufendorf, 2002: §5).

However, in Danish politics in the middle of the 19th century the *cohesion* (and survival) of the Danish people was a very real and vital concern. In the beginning of this century, Denmark went from being a multinational mid-sized power in Northern Europe to a single-nation-state hardly surviving, but with sovereignty maintained due to other great power's strategic interests

⁴³ This also appear to be the case for discussion within the influential Constitutional Committee appointed by the Constitutional Assembly 1848-1849, who prepared the draft Constitution (see Rasmussen, 2013).

(Østergård, 2006: 70). Because of this, the ideas of international liberalism from the 18th century became instead strongly associated with nationalism (Østergård, 2006: 69). Significantly, the constitution of 1849 was in the middle of this painful territorial and power reduction.

During these years there was a strong sense that if they were to remove the cement of the fragile house in the name of blind ideals, it would all fall apart. Rather, the liberal principles of freedom and natural law-principles of separation were not neutral principles pertaining to all citizens, but to the Danish people. And the Danish people were Evangelical Lutheran.

Even though state and church became two different institutions with the new constitution of 1849, the people and the church were not separated on the level of *political identity*. Rather, when the national-liberal movement started to dominate the political landscape, we saw that the national question (in German *Volk*, in Danish *folk*) became coupled with a range of state institutions: the national parliament ('*Folketinget*', 1849), the national school system ('*Folkeskolen*', 1814), the folk high schools ('*folkehøjskolerne*', 1844) and the national church ('*Folkekirken*', 1842) (Korsgaard, 2004: 2010; Nevers, 2011: 120; Glædesmark, 1948: 245). All these institutions are strong and alive to this day.

From the soil of national romanticism, a particular Danish separation doctrine took nourishment from Enlightenment liberal ideas of individualized freedom rights, and natural law ideas of separation of church and state. Embedded in Danish secularism, we find a repertoire of ideas which have influenced Danish political thinking and which are still in play today.

In the forthcoming final section in this chapter, I will present three ideal-typical positions of church models. I will argue that current discourses of Danish secularism are influenced by a political tradition, merging the three in different

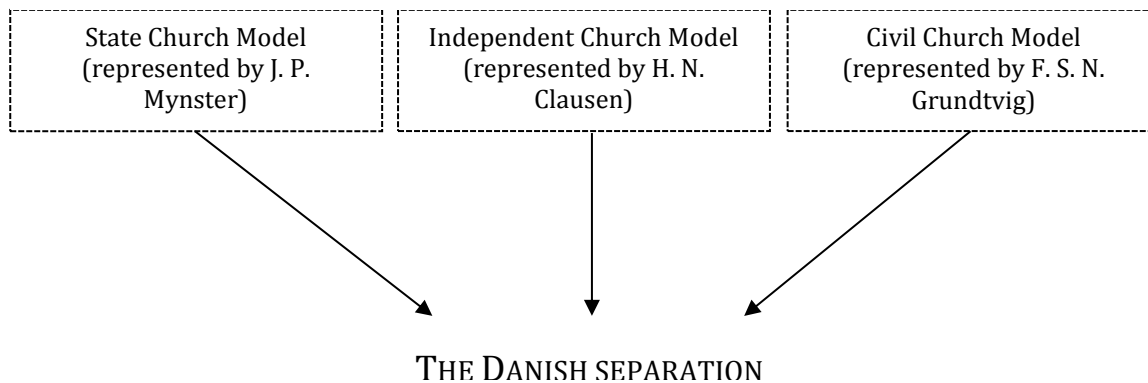
degrees in different periods. At the same time, it is important to stress that none of the church models I present below were ever realized, and as such should rather be considered ideal-typical. The governments after 1849 never seriously proposed a constitution to formally establish the relationship between the state and the church, partly because there was a lack of strong public demand for it and partly because of polarization between the clerics of the Folkekirke (Rasmussen, 2011). The incompatibility of these ecclesiastical polarizations (or church models), was threatening the one thing the parliament did not want in a time of revolutions and wars in Europe: to create divisions in the Evangelical Lutheran church, and as a consequence in the people.

4.3.1. Three ideal-typical positions of church models

The three models can be summarized in figure 4 below inspired by Glædesmark and Rasmussen:⁴⁴

⁴⁴ The church historian Anders Holm published short article in 2012, in which he similarly identified three church models based on the works of Glædesmark and Rasmussen (see Holm, 2012). For a more detailed comparison between Grundtvig, Mynster and Clausen's different theological justifications for church models, see Andersen, 2012.

Figure 4. Three ideal-typical positions of church models



The point is to illustrate how the Danish doctrine can be considered a product of all three positions, and to stress their similarities and differences. I will consider them one at a time, paying special attention to their view on what the Folkekirke is, on church governance by the state, and on self-governance in the church.

The *first* position I call the State Church Model and is represented by the theologian and politician Jacob Peter Mynster (1775-1854), who together with the influential bishop Hans Lassen Martensen (1808-1884) constituted a wing in these debates. As one of the leading figures in both politics and not least in the church, Mynster was one of the most influential individuals of his time on the matter of religion and politics. He was the absolute monarch's personal confessor and advisor, bishop and royal deputy in the constitutional assembly. Supporters of the old regime of the state church saw Mynster as a central supporter, and as such he was considered a political conservative supporting the king's regime. He did not appreciate anything that could threaten this order (in casu Clausen's liberalism or Grundtvig's revivalism). In a way he took a middle-position, and wanted to maintain the church intact through the transition phase from the ancient regime to the new one. According to Rasmussen, Mynster's project was to ensure the survival of the unity of the state church passing into

the new regime (Rasmussen, 1999: 27-29). In many respects it was *Mynster's* church model which continued its existence after the 1849 constitution (Rasmussen, 1999: 120). He essentially represents the model of the state church.

First, from the perspective of this model the Folkekirke is considered a *state institution* ('*anstalt*'), similar to the ancient regime's state church, and thus not independent from state power (Glædesmark, 1948: 252-259, Rasmussen, 2011: 81-85). This concept is taken from Prussian ecclesiastical law where it signifies a natural law-based distinction between the internal and external affairs of the church, inspired by Pufendorf. As natural law makes a distinction between church and state, it is the latter which holds the supreme power in all worldly affairs, including the church institution. This view is to be understood in contrast to the church as an autonomous corporation ('*korporation*'), independent from the state (see the Independent Church Model below).

Mynster regarded the state, the people and the country as a whole as Christian, and the church tradition is what guarantees this. Because the welfare and cohesion of the people is of vital importance, it is considered a state responsibility. Mynster's points out in his speech in the constitutional committee in 1848: '...the people has been united in one religion; we can say "the people" because we mean those belonging to the majority of the population... who profess this religion, the Evangelical Lutheran religion, which is rooted in the foundation of the people, which has taken root over centuries; It is this religion which has the right to demand further upkeep; Therefore it shall not be equalized with other religions' (Mynster, 1848: 1568). In this quote, we clearly see the state church logic of the uniform Lutheran culture.

Secondly the intimate link between God, King and Country (the state church, state power and the people) point towards that it should not be the parliament who governs the church, but the king or his representative in the

Rigsdag (Koch, 1944:135-136).⁴⁵ This is also related to Mynster, and the State Church Model's view on freedom of religion which was only reluctantly accepted in the new regime. The Reformed, the Jews and especially the Catholic's public behavior and influence could not be trusted with full civil and political rights. As Mynster argued 'We cannot deny that it would be inadvisable to grant all foreign followers of religion the same rights such as interfering in the governance of the state, since those taking part of the executive and legislative power should be entirely merged with the people.' (Mynster, 1848: 2544). This is also the reason why the King must belong to the religion of the people. The greatest fear would be to have a Monarch, a head of state, a Catholic and thus not answering to the Danish people but instead to the Catholic Church. The State Church Model sees the obligation of the head of state to be member of the Folkekirke (i.e. Evangelical Lutheran Protestantism), as critical to the preservation of the very foundation of the Danish state (Rasmussen, 2009: 221-222).

Finally, the State Church Model is clearly against any arrangements giving the church institution the ability to self-govern. The reason here is on the one hand because of the model's strong emphasis on being able to accommodate all Evangelical Lutheran fractions within one institution (*'rummelighed'*). If all denominations in this multilutheran church were to fight over the inner affairs of the church, it could lead to the breakup of the unified Lutheran culture so important for the Danish people (Rasmussen, 1999: 117). On the other hand

⁴⁵ The old bicameral parliament called *Rigsdagen*, which after the 1849 constitution consisted of a lower house, *Folketinget*, and a upper house, *Landstinget*. With the newest and still existing constitution of 1953, *Rigsdagen* became replaced with a unified national parliament, *Folketinget* (see Thorsøe, 1919; Knudsen, 2009: 185-187).

however, self-governance could endanger the freedom of conscience which the state church could guarantee. Since the church and the state are under one order, and they condition the existence of the people, it does not make sense to excommunicate members or use force within the church (Rasmussen, 1999: 119). Instead for Mynster, religious tolerance means that all *individuals* (not groups or sects) should have an equal place in the accommodative state church, just as they should have an equal place in the state.

The *second* model can be identified as the Independent Church Model, and was centered around the liberal theologian and politician Henrik Nicolai Clausen (1793-1877), along with Ditlev Gothard Monrad (1811-1887) and Johan Nicolai Madvig (1804-1886). Clausen was associated with rationalist and liberal theology, as well as being one of the central figures in the early national-liberal political movement. As mentioned above, the rationalist theology was influenced by Enlightenment ideals and dominated the church from the middle of the 17th century, right up until around 1820 after which it slowly abated. However, the liberal idea of a church model granting a great degree of independence to the church was an important perspective in the decades to come. In general, Clausen and this model represented a protest against the absolute monarch and the governance of religiosity.

The first aspect of this model is that it differs from the former by regarding the Folkekirke not as a state institution, but as a corporation. In the polemical and much discussed book published in 1825, *The Church Constitution, Rites and Dogma of Catholicism and Protestantism* ('*Protestantismens og Catholicismens Kirkeforfatning, Lære og Ritus*'), Clausen argued that one of the defining characteristics of a Protestant understanding of the church was it should be against 'the clerical monarchy in which the leading head of the church is celebrated as Christi Vicarius' (Clausen, 1825: 239; Rasmussen, 2009: 112). This

was of course not only targeting the Catholics, but also the order of the Danish monarchical ancient regime. The book itself was inspired by Prussian reformism, and also including Frederick Schleiermacher's *Dogmatics* and *On Religion* (Rasmussen, 2009: 104-06). In these works the organic church notion is introduced, where the church is arranged by a Presbyterian synodal constitution. Here, the church and state are seen as two completely separate organisms in the so-called Presbyterian-Synod system. In this sense it promoted a fairly strong notion of religious freedom, even for an established church. While Clausen explicitly drew on Schleiermacher's works, he did not go all the way with institutional and legal separation but saw instead the need to write a church constitution defining it as an independent corporation within a Christian state (Holm, 2012: 17). Therefore Rasmussen has argued that Clausen to a higher degree depended on ideas taken from natural law (Rasmussen, 2009: 115). Nonetheless, there can be no doubt that this church model puts a clear emphasis on the church as something functioning independently from the state, and should therefore be protected by a church constitution. This at least goes further than what Pufendorf imagined with the two spheres of *jus circa sacra* (external affairs), and *jus sacrorum* (internal affairs). I would argue that the Independent Church Model has more to do with protecting a liberal (and reformed) principle of religious freedom (from the state), rather than the model adhering to natural law.

Of course, this spills over into the second aspect of the model regarding the governance of the church by the state. Even though Clausen did not imagine a complete separation of church and state, he did imagine that the state only had the responsibility to manage and supervise the church's property, capital and that the clerics complied with the church constitution (Rasmussen, 2011: 83). According to Clausen, this hands-off approach to Prussian inspired church

governance by the state should be obvious: 'The state will learn to understand itself, its own interest and its relation to the church and it will know that to injure the church is to insult the Divine, and it will work against itself' (Clausen, 1825: 280).

The final aspect pertains to the self-governance of the church, in which this model has a clear difference between the two others. According to the Presbyterian-synod system, each church would have a local consistory with several levels of representative organs all the way up to a national synod (Clausen, 1825: 254, 275; Rasmussen, 1999: 191-192). Contrasting with the State Church Model, for Clausen and similar likeminded individuals the foundation of the church was the parish or local councils and the clerics, not the state. The purpose of such a representative form of church self-governance was to create an active religious society protected from the secular, political state power. The idea of a church synod was introduced by Clausen in 1825 and represented at the constitutional assembly through the national-liberal Monrad (who wrote the draft of the constitution and thus exercised a major influence of the wording and intentions). This had a fairly strong presence in the time around 1849, and Glædesmark even suggests that it was the dominating view of the first assembly (Glædesmark, 1948: 259)

The *third* model is what I call the Civil Church Model, and can be identified with the romantic conservatism around the cultural trailblazer in Danish history, the poet, theologian and politician, Nikolaj Frederik Severin Grundtvig (1783-1872). As is the case for both Mynster and Clausen, their political statements and views changed somewhat and refined from the beginning of the century until after the system's change. But the church models reconstruction here represents ideal-types, and the same can be said about Grundtvig. Though he is generally best known for his cultural, literate and Christian-theological

constitutions, he and his followers (known as the Grundtvigians) in fact represent an interesting third church model which had significant influence as well. Grundtvig's vision contains elements of the two other models, with Clausen's strong emphasis on freedom of conscience and religion, and Mynster's emphasis on the accommodative Folkekirke. At the same time the civil church model is radically different from the two others, as he envisions a non-denominational civil church, what he himself calls a 'free state church' (Grundtvig, 1834: pp. 336).

The first aspect of the civil church model is that Grundtvig did not see the Folkekirke as a state institution, but as a neutral framework for religion without state restrictions on marriage, which parish to belong to, as well as freedom to preach and other freedom rights. Grundtvig was not necessarily against the monarchy (Rasmussen, 1999: 204), but he had an ambivalent relationship to the state church as it could not provide him with the degrees of dogmatic freedom he longed for (Rasmussen, 2009: 160-161). As such Grundtvig preferred the continuation of the historical church as part of the state, based on the two kingdoms doctrine as theorized in natural law – a state church. However, it should only exist in the form of an undenominational and free arrangement.

The second aspect concerns Grundtvig's view on state governance of the church. He strongly criticized Clausen's ideas of a synod and a constitution, which he believed would result in hierocracy and no freedom of religion within the church. Grundtvig, who was one of the strongest advocates of religious freedom (and possibly one of the first in a Danish political context, see Rasmussen, 2009: 160), believed that what needed to be guaranteed (and protected) was release from the obligation to avail oneself exclusively of the services of the incumbent of the parish (*'sognebåndsløsning'*). This also included the possibility to form a congregation by the voluntary union of a certain

number of members of the Folkekirke ('*valgmenighed*'), and dogmatic freedom for the pastors (Iversen, 2008: 127-128). He generally believed that the state church arrangement could guarantee these religious freedoms as he had observed citizens enjoy in England and 'North-America' (whilst he several times threatened to leave the established church if these freedoms were not actively put in place by the state) (see e.g. Grundtvig, 1834: 345).

Nevertheless, what makes the Civil Church Model particularly interesting is the third aspect on self-governance in the church. Though Grundtvig celebrated the principle of an accommodative church as Mynster did, he did not support the dogmatic uniformity of the Evangelical Lutheran state church (they were not compatible with the above religious freedoms he wanted). Instead, he prioritized freedom with its connection to diversity. In practice, this meant to construct a religiously neutral state church institution (non-denominational) as a legal framework to contain *all* religious communities within. Grundtvig believed that only an arrangement like a state church without a self-governing body combined with the state (i.e. the King) as the head of the church, would make possible the intended degree of religious accommodation in civil church. He imagined religious communities such as Evangelical Lutherans, Calvinists, Catholics, Jews and Quakers all to be included in the free state church (Grundtvig, 1834). In the *Speech to the People's Council on Danish Church Freedom* from 1839, he even imagined this vision of an undenominational state church to contain *any* denomination be they 'Christian, Jewish, Turkish or Heathen.' (Grundtvig as quoted in Rasmussen, 2009: 163).

This rather unusual church model is most clearly described in the polemic pamphlet *The Danish State Church Impartially Considered* (Grundtvig, 1834), and is even radicalized after 1855 (Rasmussen, 2009: 28). In this pamphlet he proposes a state church functioning simply as a neutral civil legal framework,

where he imagined all sorts of confessions to practice within with considerable freedom and independence.

Grundtvig used the expression Ancestral Belief (*'Fædrene-Troen'*, e.g. Grundtvig, 1834: 321), which sounds similar to a Hegelian notion of the soul of the people which was a popular idea amongst the national-liberals (Friisberg, 2003; Ole Vind even terms it Grundtvig's biblical nationalism, see Vind 1999: 461-474, or Lindhardt who argued that Grundtvig saw the church as a worldly or even state governed entity, but that he saw the Danish people in a religious perspective under the a new covenant, as a historical parallel to Israel under the old covenant, 1967: 112). He sees this as a spiritual and original source of the people, and something which should be cultivated. It is a bit unclear how this idea relates to Grundtvig's idea of the civil church and Christian church.

Like Mynster he believed in the necessity of the State Church-like institution within society. What it does tell us, however, is that Grundtvig and his followers distinguished between a civic and a Christian identity, or even between Danish peoplehood and Danish Christians. When Grundtvig and his followers used a famous but ambiguous catchphrase from one of his psalms 'first a human, then a Christian/this is but the order of life...' (*'Menneske først og Christen saa/ Kun det er Livets Orden...'*; Grundtvig, 1944-1956 [1837]), it can be argued that he not only distinguished between the rights and duties of secular human beings on the one hand, and the spiritual call for the Christian believer on the other. Also, Grundtvig connected the two spheres of human duties. The political agenda of this catchphrase could, perhaps, be reformulated into 'first a *people*, then a Christian'. The reason for this is Grundtvig's strong sense that the human being procures its potential in connection with its involvement in the people. Where the people are, there the church shall be. Where the nation is, there the state shall be.

The realization Grundtvig envisioned for Civil Church Model of course never came. But it did inspire reforms within the existing institutional regime, as mentioned above.⁴⁶ As an example, in the literature he is generally accredited for pushing through a law allowing for congregations formed by the voluntary union of a certain number of members of the Established Church.⁴⁷

4.4. Concluding remarks

With figure 4 and the following brief reconstruction of the church models, I propose that the early roots of Danish secularism can be understood as a doctrine whose historical source emanates from at least these three positions. Each represents slightly different ideas of how the proper relationship between the church and the state should be, and all have a corresponding vision of which kind of social imaginary should constitute the political order.

⁴⁶ Nevertheless, Grundtvig and the Grundtvigians' notion of the civil church and the Folkekirke's close relation to civil society did survive. For example the influential pastor and author, Morten Pontoppidan, who in many senses was a heir to the civil church idea, worked to promote an as accommodative and open established church as possible, calling it 'Christianity of the parishes' (*'sognekristendom'*). See for example his article *The Folkekirke as a 'civil arrangement'* from 1901 (in Pontoppidan, 1914: 60-65).

⁴⁷ In fact, he is accredited for much in Danish political discourse, and often functions as a mythical founding figure for the Folkekirke, the Welfare state, large parts of the Danish education system, the protection of Danish culture etc. For a recent English language introduction to Grundtvig as a political thinker, see Korsgaard, 2014: especially chapter 7; the PhD thesis on the usage of Grundtvig in today's political discourse, Larsen, 2012: chapter 3 and 9, and the recent anthology about the social theory of Grundtvig (Korsgaard and Schelde (eds.), 2013).

In addition this historical analysis of the early ideas of separation shows that the majority story of Danish secularism and peoplehood is far from singular in meaning and interpretations, even in a time when the tiny nation-state of Denmark at the end of the 19th century had 99 percent of its citizens within the same church.⁴⁸

The question of formalizing the relationship between the state and religion have only seriously been discussed in the period around 1820, up until the last church commission in 1868, from which I have drawn my material. Danish secularism developed in response to the need for formalization of the new regime, and the accommodation of revivalist churches both from the inside (e.g. the Grundtvigian movement) and outside (e.g. the Baptists) the established church. The resulting doctrine has been one of relative consensus on the formal relationship, and one of further democratization.

In that connection I found that it was the increasing demand of religious freedom which ultimately caused cracks in the old construction of the state

⁴⁸ This multiple perspectives approach finds an interesting parallel in the legal debates surrounding ecclesiastical law in Denmark. As Lisbet Christoffersen has argued the Folkekirke as a legal institution cannot be described only as a *state* institution subjected to public law (Christoffersen, 1998: 42-47). She argued that we must also legally describe the Folkekirke from a *civil society* approach (stressing autonomy from the state and voluntariness as a religious community) and a *marked-oriented* approach (based on a contract of supply of services and state demands and quality evaluation). She argues we must consider the legal perspectives on the Folkekirke of the state, marked and civil society together. This theoretical legal model pertaining to the current description is interesting as it hold obvious similarities with my reconstructed historical and ideal-typical church models, as well as the reconstructed Danish secularism developed in the following chapters.

church. This demand had Grundtvig as one of the most important spokespersons, but also the revivalist movements and the dissenting religious communities. Thus, the rebellion against the old system was indeed a religious rebellion. In that sense, it was a rebellion not against religion but against the state church.

What will be evident in Chapters 5 and 6 is that we can recognize the logics of the old church models in political rhetoric today. For example the need for the church to be better aligned with the people (*'folkelighed'*), or to be more accommodating (*'rummelig'*). In the time after the free constitution of 1849, these three positions gradually stabilized into one ideological doctrine decontesting the premise for or against the established church (that is, formal separation). Instead, the doctrine allowed for varied ways on how to arrange the church (and indirectly, the dissenting religious communities).

While the historical reconstruction of major influences of Danish secularism can lend colors to a clearer picture of the political ideas, we should remember that as unreasonable it would be to equate the first free constitution with actual democracy, just as unreasonable it would be to equate the ideas of distinguishing religion and politics in the mid-19th century with secularism compliant with modern-day democratic principles. Institutional practices gradually evolved to correspond to newer, more liberal ideas of rights and citizenship.

Let us now return to the present to see how the Danish tradition of secularism continues to tread many of the same paths established many years ago in the next two chapters. Chapter 7 will conclude my analysis by a reconstruction of Danish secularism.

Chapter 5

“...the two flags suit one another!” – On establishment and same-sex marriage

5.1. Introduction

The very first same-sex marriage in a church took place in Copenhagen on a symbolically charged national flag day, *Valdemarsdag*. The date is the 15th June 2012 and marks the legend of the Danish flag, *Dannebrog*, which allegedly fell from the sky during the Battle of Lyndanisse in Estonia on the 15th June 1219. According to legend it was taken as a sign from God to King Valdemar that their national cause was indeed divine, since the Danes left the battlefield victorious that day. In addition, to celebrate that *Dannebrog* was granted to the Danes, this day also commemorates the reunion of the North Slesvig territory with Denmark on the 15th June 1920, which was lost to Prussia in the crushing defeat of 1864 (Adriansen, 2003: 127-148).

Figure 5. Frederiksberg Church 15th June 2012, where pastor Michael Hemmingsen married Stig Elling and Steen Andersen.



Reference: Liselotte Sabroe/Scanpix 2012

Standing in front of the church on the 15th June with the newlyweds surrounded by the press (see figure 5), pastor Michael Hemmingsen stated 'It was very touching to be part of. Today we celebrate Valdemarsdag, where Dannebrog fell from the sky. Similarly today a big spectacular rainbow colored flag fell from the sky, and let me say, the two flags suit one another!' (Østergård, 2012).

Besides the pastor's obvious thrill that something utterly Danish (the flag, the church, the day) could be welcoming to homosexuality, the connection between the legend of Dannebrog and religious acts also appeared in this situation. It seemed natural for the pastor to proclaim that this new ceremony in the Folkekirke was of relevance to the whole nation.

The very act of marrying the first homosexual couple on the 15th June 2012 was not a trivial execution of a new legal right, but a symbolic act in relation to the definition of marriage and not least that of the established church. The

strong presence of the press in front of the church serves as an indication of this. Thus, the passing of the new legislation making same-sex marriage legal carried symbolic meaning in relation to the state, the Folkekirke and perhaps also to Danish peoplehood as we shall later see.

If we for a moment bring an international perspective to the scene however, state recognition of marriage beyond traditional heterosexual living arrangements is not only a fairly recent phenomenon, but also a relatively rare occurrence. In June 2012, when the Danish parliament passed two amended marriage acts after heated debates to allow for homosexual marriage on equal terms with heterosexual couples, Denmark joined a relatively small but growing club of countries where same-sex marriage is legal. This included Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain and Sweden, in addition to some states in the United States from 2004 and some in Mexico from 2009.⁴⁹ All of the mentioned countries passed such legislation only within the last decade.

However, the Danish amended marriage act not only concerned civil marriage, as was the case in most of the recent cases during 2013 and 2014 in Brazil, England and Wales, New Zealand, Uruguay, Scotland, along with Luxembourg expected in ultimo 2015. Compared to these other countries, the

⁴⁹ In June 2013 United States came closer to a nation-wide recognition of same-sex marriages when the Supreme Court of the United States in *United States v. Windsor* decided that homosexual couples married in one of the then 13 out of the 51 states and five Native American tribes will now be formally recognized by the federal government (giving homosexual couples the same right in federal administrative procedures such as federal estate tax exemptions etc.). Since then 7 additional states have followed, with Massachusetts as the first in 2004.

2012 amendment redefining marriage does not stand out in particular. Instead, the acts applied not only to civil marriage but also to all religious communities with delegated authority to preform marriages with legality.⁵⁰

What was controversial in this policy was the special relationship between the church and the state, along with the fact that those responsible for composing new rituals on behalf of the Folkekirke (the bishops), saw themselves obliged to introduce the new ritual for same-sex marriage, as we shall see below.

Thus, the following pages will not be an analysis of legal competences in this policy area, but of *what the policy means* in political terms. Specifically, the chapter will analyze the special relationship between the state and the church as it was expressed in this state policy on same-sex marriage legislation passed on the 15th of June 2012. The policy issue concerned the legalization of marrying same-sex couples both by civil authority and in the Folkekirke, thus replacing the former distinction between heterosexual marriage and registered partnerships of homosexuals.

⁵⁰ The authority of a person to perform a marriage with legality in Denmark is delegated from the law to registrars of the city council (typically local government politicians), to religious leaders of recognized or approved religious communities, and to pastors of the Folkekirke. Currently it is the Minister of Children, Gender Equality, Integration and Social Affairs who decides whether a religious community can get approved, but the minister in general follows the advice from The Advisory Committee for Religious Communities. While the authorization to marry for leaders of approved religious communities is a separate application process decided by the Ministry of Children, Gender Equality, Integration and Social Affairs (2014), the Marriage Act delegates marriage authorization to Folkekirke pastors in general (LBK 1052: article 16, subsection 1, no 1).

The new policy resulted in heated political debates before, during and after the passing of the law. In order to access the conflicting meanings expressed in relation to the policy issue (same-sex marriage) in this chapter, I will pay specific attention to the formal basis of this policy. Therefore, I focus on the most important documents which are the two pieces of legislation amending the old marriage institution and their explanatory memoranda ('L105' and 'L106' from 2012). Here, related parliamentary debates and statements from central policy actors such as legislators, pastors and bishops and politicians all debate on the issue.

As chapter 3 established, my methodological point of departure is a realist concern with actual obtainable meaning in the political language. This is why interpretation of central documents and political debates is essential to inform our understanding of the architecture (or with Freedén, the morphological structure) of the relevant concepts in question in this thesis: secularism and peoplehood, and how they are actually animated.

The purpose of this analysis is to identify the discourses being communicated through political language. I argue that these different communities of meaning regarding marriage and the Folkekirke can be divided into two dominating discourses. Together with the empirical analysis in chapters 4 and 6, the contours of the conceptual sources of Danish peoplehood and secularism, both contemporary and historical, are drawn upon. In the case of the policy in this chapter, it becomes apparent that while most of the political landscape represented in parliament shares a sense of Danish peoplehood (including the privileged status of the Folkekirke as an important site of national belonging), they differ in their view on the relation between the state and the church. In chapter 7, I will reconstruct these two discourses into distinguishable positions on secularism in the Danish political landscape.

The next section 2 will sketch the recent historical context of the policy, while section 3 will analyze the policy itself. Before the concluding remarks in section 5, section 4 will discuss the political tensions in the discourses identified in the policy.

5.2. The context of the policy

De facto, Denmark already had rights in place similar to same-sex marriage as it was the first country in the world to legally recognize registered same-sex partnerships in 1989 (Bech, 1992). Law on Registered Partnership which is now nullified by the new marriage act stated: 'Provisions in Danish law concerning marriage and spouses shall be equally applied to registered partnerships and registered partner' (Lov nr. 372, 1989: art. 3, subsection 2). Some restrictions did apply from the start, such as adoption rights and general recognition in international treaties which were gradually relaxed in the following years. Since then there has been a general development towards recognizing alternative forms of family living arrangements, besides the traditional heterosexual nuclear family, along with a equalization of rights for same-sex couples compared to heterosexuals, see appendix II.

Ten years after the law of registered partnerships passed (1989), it became legally possible for a child to have two parents of identical gender (1999). An additional ten years later, the parliament decided to put same-sex couples in registered partnerships on equal footing with heterosexual couples and singles when it comes to adoption rights (2009). Finally, as a follow-up to the new

marriage act in 2012 the Children's Act was also amended to make legal three new forms of parenthood, popularly called 'rainbow families' (Lov nr. 652, 2013).⁵¹ Let me briefly sketch some of the most important events following the registered partnership law, which I consider important to understand the context to the political thinking in this area.

5.2.1. Same-sex living arrangements getting closer to the church

In March 2010 a pastor, Henning Nielsen, conducted a marriage ceremony for a lesbian couple live on DR (Denmark's national TV channel), causing fierce debate as it was not yet legal for a pastor to do so. Many groupings within the Folkekirke considered homosexuality to be incompatible with a Christian understanding of marriage (Malacinski and Kjersgaard, 2010). It clearly echoed a similar televised happening in 1973 in which the public provocateur and pastor, Harald Sørbye, conducted a Christian wedding ceremony also of a lesbian couple (in the following years it was an open secret that he and like-minded conducted many such ceremonies in private, Steens, 2002; Anarchos, 2008). Of course, both televised ceremonies were without legal effect, but Sørbye's fake

⁵¹ For references to the relevant laws, see appendix II. 'Rainbow families' now legal are: 1) lesbian couples with an anonymous sperm donor will automatically grant both women parenthood, 2) lesbian couples with a known sperm donor can agree to grant legal parenthood to the mother's partner, 3) A man having a baby with a woman living in a lesbian relationship can agree with them to be legal parent (Lov nr. 652, 2013).

ceremony sparked a debate in public media, amongst pastors in the Folkekirke and the parliament, once started is yet to end.⁵²

The question of recognition of homosexual family arrangements in the Folkekirke arguably culminated a few years after registered partnership, which was made legal in 1989. In 1993 The Danish National Organization for Gay Men, Lesbians, Bisexuals and Transgender persons (LGBT Denmark), made an inquiry to Bishop Vincent Lind insisting that 'the time has come to include the church aspect of registered partnership' (Biskoppernes udtalelse, 1997). This in turn resulted in the appointment of the Thomsen committee (named after the chairman, Niels Thomsen) by the bishops, whose rapport investigated the possibilities for constructing a ritual for blessing registered partnerships in church. The committee concluded that as long as the basic assumption in Danish marriage law is gender based, same-sex marriage is not a realistic ambition. At the same time the committee could find no principled reason in Lutheran theology (besides tradition and customs) to deny blessings of same-sex couples in the Folkekirke (Biskopperne, 1997: chapter 2 and 5). The bishops also took this view in a public statement but in the light of divided opinions within the church, they did not recommend that blessing registered partnerships was to be

⁵² For an overview on the internal debates since the 1970's in the Folkekirke, see the literature overviews in the introductions in the rapport from the Thomsen committee *Registreret partnerskab, samliv og velsignelse* ['Registered partnership, co-living and blessing'] (Biskopperne, 1997) and the rapport from the alternative, conservative committee *Kærligheden glæder sig ikke over uretten!* ['Love does not enjoy injustice!'] (Petersen et al, 1996).

institutionalized. They grounded their reluctance in a concern to safeguard unity and community of the Folkekirke (Biskoppernes udtalelse, 1997).⁵³

In 2004 former Prime Minister Anders Fogh Rasmussen (V) quite unusually made a comment to a newspaper on church weddings for same-sex couples, which differed from the official party and government stance: 'I have a difficult time believing that our Lord should have a more strained relationship to gays and lesbians than to any other... We politicians must not interfere in the internal affairs of the Church. We will have to leave it up to the pastors in collaboration with the parishes. But as a member of the Folkekirke, I hold the view that it would be the right thing to do... I am not sure the Minister of Ecclesiastical Affairs would agree with me. Possibly not, but that is not the issue here, because it is a matter neither for her nor for me to intervene in' (as quoted in Andersen, 2004). This example is interesting because while he personally and arguably indirectly helped push the agenda for further equalization of homosexuals in religious communities, he made it completely clear that as a politician and Prime Minister, he did not support any political initiatives.

Rather, Rasmussen's aim was to preserve a secular political sphere and a united Christian people by defending status quo. These two priorities Rasmussen stressed on a later occasion: 'The strong cohesion of the Danish society is among other things based on a massive majority of Danes being part of

⁵³ To be sure, the alternative and conservative committee representing right-wing organizations of the theological spectrum in the Folkekirke strongly criticized the Thomsen-report (Biskopperne, 1997). As a compromise, the bishops drew up an unauthorized and thus non-binding guideline to celebrate registered partnerships during church service (Biskopperne, 1997: sec. 4.5.1).

a shared Christian cultural foundation... Therefore it is deep-rooted that the individual Christian draws his own conclusions of his faith. Thus religion has not played a dominating role in the public sphere' (Rasmussen, 2006). Here, the arrangement of the decentralized and state-dependent Folkekirke becomes 'a Danish tradition' which ensures 'freedom and tolerance' (*frihed og rummelighed*', Rasmussen, 2006). His vision of such a separation doctrine in connection with the question of same-sex marriages was specified in a consultation in the legal affairs committee of the parliament. 'I support an arrangement of the Folkekirke without any synod or council, and where nobody can pursue a policy on behalf of the Folkekirke, but when the bishops have discussed it, then we must listen to them' (Nilsson, 2009).

Some years later still within Rasmussen's government period, a 2010-report on roughly the same question as the 1997-report affirmed the latter's theological interpretations. The report was written by a new committee appointed by the then Minister of Ecclesiastical Affairs, Birthe Rønn Hornbech (V). However, at this time a majority in the report did *not* believe a ritual for entering into registered partnership in the church would threaten the community of the church, even under conditions of deep theological disagreement. This remained as long as the individual pastor maintained the right not to perform such a service due to questions of conscience. Nevertheless, the committee was also split on whether such a ritual should be implemented at all (Kirkeministeriet, 2010a).

In 2011 the succeeding Minister of Ecclesiastical Affairs, Per Stig Møller (KF), was known to be working on a legislative proposal supposedly broadly based on the 2010-report's majority proposal. This proposal focused on making some sort of legal recognition of same-sex living arrangements possible in church, though not calling both arrangements marriage (e.g. see bishop Peter

Fischer-Møller's retelling of the process in Fischer-Møller, 2012). In an address to the National Association of Parishes on the 27th of May 2011, Møller stated that on the question of whether homosexuals can get married or blessed in church through an authorized ritual '...I have been sounding out both the Folkekirke and the parliament in order to close this case during next parliamentary session achieving as broad a majority as possible' (Kirkeministeriet, 2011a). In a national newspaper he also stated that 'Marriage is between a man and a woman. Certainly, there can be love between persons of same sex, and there can be church blessings of those, but we should use another term' (Møller in Klingsey, 2011). However, at the time of this statement, Møller and Rasmussen's government had already lost the parliamentary elections, and thus the legislative proposal Møller intended was never put forward. But as the new center-left government took office in 2011, they immediately met obstacles.

5.2.2. A struggling minority government

The winning parties had a narrow majority of seats in parliament to form a new coalition government, and due to the composition of coalition parties there was not a majority to establish a clear left-wing economic agenda.⁵⁴ This parliamentary situation was to a large degree a result of a hard struggle over the median voter. As a result, political statements from either side often struggled to

⁵⁴ One of three political parties in the coalition, *Radikale Venstre*, is traditionally right-wing in economic issues, but operates as a pragmatic centre-party with a fairly left-leaning agenda on issues of toleration, ethics and immigration - a tolerable match for a social democratic lead government (see Stubager, 2010 on the economic versus value-based cleavage in Danish voting behavior).

provide clear reference points for the voter to navigate the political multiparty spectrum.

Since the center-left coalition found itself partially incapacitated on traditional social democratic issues from the start, they struggled to distance themselves from the effective center-right government preceding them.⁵⁵ Apart from planned long-term infrastructural investments, and unpopular welfare reforms to slim down the budget of educational institutions and public labor market insurance, the next four years in office held few available winning items on the agenda.

In a coalition statement called *A Denmark That Stands Together* from 2011, the new center-left government listed a range of more liberal reforms (reduction of greenhouse gasses, more generous social benefits for poor immigrants, better services to mentally ill, fewer chemicals in foods, laxer immigration policies etc.). These issues related as much to identity politics as to economic goals to foster development and growth (see Prime Minister's Office, 2011).⁵⁶

It was in the context of this political climate that a new kind of ministry was introduced. Merging the former Ministry of Ecclesiastical Affairs (the government's office for the Folkekirke) with parts of social policy areas the

⁵⁵ Predominantly led by Anders Fogh Rasmussen, then leader of the center-right party *Venstre* and former secretary general of NATO. The center-left government currently in office is led by the Social Democrat leader Helle Thorning-Schmidt.

⁵⁶ The coalition statement did contain economic resolutions, but at the time of the same-sex marriage policy these were soon withdrawn due to political opposition and bad reception in the media. Later, a range of economic reforms followed, which raised discussion of social equality (see e.g. Information, 2013; Vrangkilde and Borre, 2014).

government introduced the perhaps surprising new composition, the Ministry for Gender Equality and Ecclesiastical Affairs.

A few weeks after coming to office the newly appointed minister for Gender Equality and Ecclesiastical Affairs, Manu Sareen (RV), announced: 'It is with great pride that I today have been able to declare a historical progress both for the Danish Folkekirke and for the rights of homosexuals' (Sareen, 2011b). Sareen was referring to a forthcoming draft amendment that would give same-sex couples the same legal status as heterosexual ones in the Folkekirke (Kirkeministeriet, 2011b).

From the days of Harald Sørbye's televised fake ceremony up until the new marriage act of 2012, we can thus observe a gradual shift towards a wider recognition of homosexuality be it theologically, politically or legally.⁵⁷ In the following, we will see how the 2012 laws challenged the principles of state-church relations.

5.3. Analysis of new same-sex marriage policy

The policy in question consisted of the introduction of same-sex marriage with the same legality as heterosexual couples being married. This expansion of the

⁵⁷ For good measure, I should note here that the general development the last 4 decades towards recognizing alternative sexualities in Danish society does not mean that resistance to homosexuality was absent from the political and civil sphere. For example, as Henning Bech documented in relation to the debate surrounding the law of registered partnerships passed from 1989, there was substantial protests against recognition of registered partnership which were based on themes such as countering God, nature, family structures and societal coherence (Bech, 1992: 135-138).

marriage institution was made possible by two pieces of legislation or legal acts both introduced to parliament on the 14th of March 2012, finally passed on the 7th of June 2012 in order to come into force the 15th of June 2012. The two acts were promoted by the government in office, specifically by the Minister of Gender Equality and Ecclesiastical Affairs, Manu Sareen (RV) and by the then Minister of Social Affairs and Integration, Karen Hækkerup (S).

The policy was a realization of one of the political aims expressed in the coalition statement from 2011: 'The government intends to give all members of the Danish Folkekirke the option to get married in the church, irrespective of their sexual orientation. Therefore the government will remove the ban on marriages of homosexuals in the Folkekirke and furthermore explore additional initiatives in the direction of a gender-neutral marriage legislation' (Regeringen, 2011: 66). As mentioned in the beginning and as evident in the coalition statement, the policy not only concerned sexual equality in civil marriage, but had an emphasis on church marriages. Let us briefly sketch out the content of the policy as it was expressed in the legal draft documents.

The first act, L106, had two important effects: It repealed the old law on registered partnership and it amended the existing Marriage Act so it did not distinguish between marriage and registered partnership, therefore the law 'applies to marriage between two persons of different and between two persons of the same sex' (L106, 2012: 1). Its explanatory memorandum further stressed that religious communities with marriage authorization had the right to decide whether they wished to take advantage of the new option for same-sex couples, be they approved or recognized.

The other act, L105, amended the law regulating membership, church service and parish-member relations of the Folkekirke (called the Membership

Law) to include the option for pastors not to marry and/or bless the marriage of a couple of same sex (L105, 2012). If the latter amendment had not been passed, L106 would in effect have instructed Folkekirke pastors to marry same-sex couples even if this would potentially go against personal, religious convictions. The reason is first, that marriage within the Folkekirke in order to be legal must follow the form and definition in force in the Marriage act (now amended by L106). Second, the Membership law legally requires a pastor of a given parish to perform church services, such as marriage to its members (see the LBK nr. 622, art. 6, subs. 1). If only L106 was passed the pastor would have to marry *all* couples, including same-sex couples.

In order to better understand the discussion in parliament surrounding the policy it is important briefly to pay attention to how the government (represented by the Minister of Gender Equality and Ecclesiastical Affairs, Manu Sareen) justified its intentions to regulate a religious ceremony in the Folkekirke, such as marriage. We find the argumentation in the explanatory memorandum to L105 authored by Sareen's ministry.

It began by establishing that it is a 'constitutional custom that the relevant minister have been regulating the internal affairs of the Folkekirke to such an extent considered necessary to regulate them' (L105, 2012: 3).⁵⁸ Also, that the

⁵⁸ The internal or inner affairs of the church is defined by a recent church committee as '...rituals, church service scheme, Bible translation, and the hymn book... but also the supervisory authority specifically of the clerical component of the pastors' official capacity in the form of preaching and management of the sacraments.' (Ministeriet for Ligestilling og Kirke, 2013a: 15). It has been a fairly established view that there legally is no difference between the internal and

regulation of internal affairs traditionally is executed with great caution and restraint. As marriage is considered part of the internal affairs the minister can regulate this service in accordance to existing law, but the ministry also noted that ‘amongst the pastors of the Folkekirke there are different understandings of whether married life between two persons of same sex is acceptable, with the boundaries set out by the Bible and the confessional basis of the Folkekirke’ (L105, 2012: 4). And since article 4 in the constitution requires the legislative power to respect the Evangelical Lutheran confessional basis in relation to the Folkekirke (Gammeltoft-Hansen, 2006: 137), the ministry asked the bishop of Copenhagen, Peter Skov-Jakobsen, to evaluate whether the policy conflicted with the constitution. In the memorandum Jacobsen is quoted for stating that while traditional Lutheran theology has considered marriage to be between a man and a woman, and same-sex marriage thus would be new in the context of the Folkekirke, ‘...the confessional basis has a historical character which entails an interpretation...’ considering both contemporary and historical knowledge (L105, 2012: 4-5). Based on this, the ministry noted that they do not violate article 4 in the constitution by including same-sex marriage as an option for the church as a whole, as long as individual pastors are free not to marry same-sex

external affairs of the Folkekirke (see e.g. Ministeriet for Ligestilling og Kirke, 2012a: 40). However, in the most recent official document on this matter, it was established that while existing law has traditionally not distinguished between the internal and external affairs of the Folkekirke, regulation of the internal affairs is *limited* by article 4 in the constitution (must be in in defiance of the Articles of Faith), article 67 (general freedom of religion and religious association) and the European Convention on Human Rights, article 9 on religious freedom (Folketinget, 1999; Folketinget 2014; Kirkeministeriet 2014a: 219-221).

couples. Finally, the memorandum pointed out that ‘the proposed amendments in the Marriage Law... presuppose that a ritual for marriage of two persons of same sex will be produced’ (L105, 2012: 5), and that the majority of bishops declared that they are willing to collaborate in the composition of the rituals.⁵⁹

Both acts were publically consulted before parliamentary negotiations took place with some organizations and associations officially consulted, and others responding on their own initiative. The two acts had different lists of officially consulted organizations. These circumstances most likely occurred as L105 was proposed by the Ministry of Gender Equality and Ecclesiastical Affairs, who is accustomed to inviting all standard Folkekirke organizations in such matters (which they were). While L106 was proposed by the Ministry of Social Affairs and Integration who only consulted the top-tier of the Folkekirke in L106 consultation (bishops, deans and pastors), along with judiciary and legal organizations and recognized/approved religious communities.⁶⁰ Folkekirke associations were not officially invited to the consultation of L106, which made e.g. the National Association of Parish Councils complain (see Kirkeudvalget, 2012c).

However, the most views that were officially consulted as well as by use of their own initiative did not support the policy. While L105 saw almost unanimous support for the freedom of pastors to choose to marry same-sex

⁵⁹ According to custom, the relevant minister does regulation of the Folkekirke’s internal affairs by royal decree, while the bishops compose rituals.

⁶⁰ The latter group was included after complaints from the multid denominational Christian association, National Council of Churches in Denmark ‘*Danske kirkers råd*’.

couples, at the same time 1646 out of 1672 views in this consultation rejected the part of the policy regarding same-sex marriage in the church, which was formally part of L106 (Kirkeudvalget, 2012a: 1-2). As we saw before, the reason for this could be that many church organizations were not officially consulted in L106. Whilst highlighting L106, it is noted only four official consultation parties supported the policy.⁶¹ All the judiciary and legal organizations made no comments on the policy, while the rest of the views were against it (see Socialudvalget, 2012). Amongst the views, 4 out of 8 bishops sending in their view had no comments (with one being concerned with the lack of the Folkekirke's self-determination in the matter), and 4 bishops could not support the policy pertaining to the church (I will return to the role of the bishops below).⁶²

In parliament, L105 was unanimously passed 105 to 0 (see '*Afstemning*' at Folketinget, 2014a), and saw little parliamentary discussion or disagreement over granting freedom to individual Folkekirke pastors not to marry same-sex couples. However, while L106 was finally passed 85 to 24 with 2 undecided MPs (see *Afstemning* at Folketinget, 2014b), the debates surrounding the policy was

⁶¹ A pagan community (based on Norse mythology), a community of progressive Judaism, a Christian independent congregation and the association of deans in the Folkekirke.

⁶² There are 10 bishops in total, but two of them did not send in their view for the consultations.

characterized by substantial disagreement and struggles over its meaning.⁶³ For this reason, I will focus on the debate of L106 in the following.

Throughout the almost 7 hours of parliamentary debate on L106 distributed over three separate negotiations containing more than 370 MP contributions, four themes in the debate emerge. *First*, the quality of the legislative work was discussed, as all opposition parties criticized it for its limited time of preparation and discussion over the substance provided in the process, along with the uncertainty connected to the consequences of other legal complexes such as child laws. As the spokesperson for ecclesiastical affairs for Venstre, Flemming D. Larsen stated ‘This draft amendment represents unprecedented law carelessness. There has been no preceding committee work or commission work, which would have informed all aspects, all consequences of the proposed law. This is a very, very big problem’ (Folketinget, 2012b: 1st neg. contrib. 84). The spokesperson for ecclesiastical affairs, a Social Democrat, Karen J. Klint provided the following response along with a range of similar ones on the theme: ‘I am convinced that L106 has had a more careful preparatory procedure than most other draft amendments seen from earlier governments... There have been many parliamentary motions paving the way for us to get here. There have been meetings with the minster. It has also been an option to take this to the committee level. And then there has been an extraordinary long

⁶³ Political parties supporting the draft amendment L106 were EL, SF, S, RV and LA. Parties against were KF, DF and V, though V and KF considered the policy to be an ethical question and thus set all its MPs free to vote irrespective of the official party stance. As a result both parties had a third or more of its MPs voting for L106.

consultation process in relation to the drafts to give the Folkekirke environment a chance to get heard' (Folketinget, 2012b: 1st neg. contrib. 122).

The *second* theme was perhaps the most obvious, concerning sexual equality and recognition of homosexuals in society. Indeed, these meanings were emphasized by Klint (S), in her primary parliamentary address supporting L106: '...this proposed law will make a huge difference in many Danes' lives, [and] it is an important message that we as a society recognize difference and equal worth no matter who you are or who you love' (Folketinget, 2012b: 1st neg. contrib. 66). In the Socialist's primary parliamentary address, spokesperson Pernille Vigsø Bagge also pointed out that '...it can never be a task for the Folkekirke to exclude certain groups from participating in the community [*fællesskabet*], neither the whole community nor parts of it' (Folketinget, 2012b: 1st neg. contrib. 184). The meaning of sexual tolerance and recognition of homosexuality was not essentially contested in the debate, and none of the MP's spoke against inclusion or tolerance, but rather celebrated these values.

However concerning the policy the government pointed out, that when registered partnership was introduced within legislation in 1989, it became impossible for same-sex couples to enter a legally binding relationship in religious communities (cf. the above quote from the coalition statement). Homosexual couples could neither get married nor registered as partners in church. The reason was that religious leaders (from the Folkekirke, recognized and approved religious communities) had only been delegated the authority to marry and not to perform registered partnership, which was the only option for two persons of the same sex. This is why the rather heated parliamentary negotiations not only touched upon questions of equality and tolerance, but also about the very meaning of marriage. This was the *third* theme. Politicians from

especially the Danish People's Party and the Conservatives protested to make marriage something else, other than between a man and a woman. For example Christian Langballe for the former party noted that 'Marriage starts from the fact that it takes a man and a woman to make a child and start a family – this is what reality and biology tells us, this is what experience and tradition tells us' (Folketinget, 2012b: 3rd neg. contrib. 12; see also Møller's response at Folketinget, 2012b: 1st neg. contrib. 214). The proposer of L105, Minister Manu Sareen, also participated in the debate of L106: 'The notion of marriage is not something special or theological. It is the parliament which decides the content of the Marriage act... Ultimately this is unrelated to the Folkekirke. The church simply has an authority to marry delegated...' (Folketinget, 2012b: 3rd neg. contrib. 290).

However, while the central underlying meaning of a policy program on same-sex marriage would be expected to involve sexual tolerance, symbolic recognition and the very understanding of marriage, it was another theme which became the most fiercely debated issue: the relation between the Folkekirke and the state. This was the *fourth* theme. To be sure Eyvind Vesselbo, the spokesperson of the largest center-right opposition party, Venstre, stressed this theme in his primary address: 'Venstre naturally supports equality between all groups in our society... and as mentioned we are not against that homosexuals becomes equals to others in this policy area...' (Folketinget, 2012b: 1st neg. contrib. 2). However, then Vesselbo added: 'We must oppose that the parliament decides what the Folkekirke must do. We believe that these things must come from within the Folkekirke, and that the Folkekirke itself must decide whether homosexuals can enter marriage in the church.' (Folketinget, 2012b: 1st neg. contrib. 2). Similarly, Christian Langballe, spokesperson of the right-wing Danish

People's Party affirmed: 'In Danish People's Party we are not after gays or lesbians. I believe that it is a good thing that homophile people do not need to hide themselves in public [*'krybe langs husmurene*], but are recognized and respected as equal citizens' (Folketinget, 2012b: 1st neg. contrib. 108). Yet for Langballe who is also a pastor, went further than Vesselbo in his questioning of the right of the parliament to change the meaning of marriage to include same-sex couples '...we in the parliament must respect and recognize that the Folkekirke is an Evangelic Lutheran religious community founded on the Articles of Faith [*'bekendelsesskrifterne*], in which e.g. marriage is a firmly defined thing... It takes a man and a woman to found a family' (Folketinget, 2012b: 1st neg. contrib. 108). Besides taking issue with the general understanding of marriage, by this statement Langballe questioned the right and appropriateness of parliament to pass legislation regulating parts of the Folkekirke's administration, which he believed ought to be regulated by the Articles of Faith: 'The state should respect that the Folkekirke has an inviolable zone, which cannot just be steamrolled' (Folketinget, 2012b: 3rd neg. contrib. 32) he later stated in the same debate. Thus he questioned not only the division of labor in this policy area, in which the state passes legislation that the church has not asked for or proposed. Also, he indirectly questioned whether the constitutional separation between church and state (article 4) had been violated, as the Articles of Faith had not been respected.

The response from the MPs supporting L106 was well illustrated by Klint: 'So, again we must hear the notion "the Folkekirke deciding for itself"

[*Folkekirken selv*]... I have been informed by a previous minister of ecclesiastical affairs and member of the parliamentary committee of ecclesiastical affairs that this notion does not exist⁶⁴... so the question becomes hypothetical. Who constitutes a Folkekirke deciding by itself and who can speak on behalf of the Folkekirke? Neither the spokesperson from the floor nor I can do this. From this floor we speak on our own behalf and on behalf of our political group only' (Folketinget, 2012b: 1st neg., contrib. 78). In this case we see two conflicting understandings of how the Folkekirke ought to be regulated by the parliament and the minister, a theme I now turn to.

5.3.1. Focusing on two positions: Who can decide on marriage?

It appears that one side supported the government's right to interfere in the internal affairs of the Folkekirke, in order to render it aligned with the moral climate in the parliament representing the people. 'In many, many years SF along with other parties... have been fighting for two persons of same sex to be able to enter marriage in the Folkekirke. Today it looks like it will be possible to find a political majority for this legislation and therefore it is a day of joy in the name of equality, tolerance and love' (Folketinget, 2012b: 3rd neg., contrib. 86). As we have seen, in contrast the other side maintained that such wishes should come from the Folkekirke itself and not the parliament.

⁶⁴ Klint is most likely referring to former Minister of Ecclesiastical Affairs, Bithe Rønn Hornbech of Venstre, who also participated in this debate.

Analyzing the parliamentary policy debate, I find that the two positions differ in particular concerning the question of whether the Folkekirke holds any freedom of religion *as a community* in its internal affairs.

It that respect, the government representing the former position actively used the Membership Law to regulate in accordance to the new policy of same-sex marriage (both the pastors and the Folkekirke as a church have a legal commitment to deliver church services to its members), as there is no formal process for the Folkekirke to decide on its own affairs. From this perspective, as long as there is no internal board or synod to decide on the meaning of marriage on its behalf, the legislative power will have to do this to keep the church functioning. In other words, freedom of religion for the Folkekirke as a community makes little sense in this situation as only the parliament and the minister can make such decisions. That is, as long as the government does not violate the Folkekirke's Articles of Faith. The best the government can do is to consult and react on appeals from bishops and other Folkekirke representatives. As Bagge noted, 'the absolutely most important thing to remember in in this context is that the Folkekirke cannot ask for this proposed law. It is the parliament which legislates on behalf of the Folkekirke... There is nobody able to speak on behalf of the church since it is the parliament which in principle is the synod of the Folkekirke' (Folketinget, 2012b: 3rd neg. contrib.102).

The opposition on the other hand stressed that while freedom for the pastor to act in accordance with his or her conscience is in line with the freedom tradition of the Folkekirke. To make legislation on behalf of the entire church community in this area was wrong. The Folkekirke is an independent church community and how it wishes to perform rituals of religious importance such as the marriage should come from within, on the basis of theological reflection and

debate. If this is not the case, the parliament risks dividing the Folkekirke by such legislation and creates inner conflict. As the former Conservative Minister of Ecclesiastical Affairs, Per Stig Møller stated 'Thus they have succeeded in creating division in a time where we really should stand together. Article 4 in the constitution states that the Folkekirke must be supported; it doesn't say that the Folkekirke must be obstructed' (Folketinget, 2012b: 3rd neg. contrib. 164). As such, the opposition did not question the legal competence to regulate the internal affairs of the Folkekirke of the minister, but stressed the tradition of regulative restraint that they believed should be observed in this case. Therefore, it came about there should have been much more open consulting with bishops and other theologians.

To a wide extent, the debate between the two positions reflected different meanings of religious freedom in relation to the Folkekirke. During the discussion of the policy of same-sex marriage, the idea of regulative restraint for the state in relation to the internal affairs of the Folkekirke appears to be based on freedom of religion as an *individual right* to the government. As an example, Sareen stated that 'we tell the pastors that L105 is an expression of liberal-mindedness [or literally 'free-mindedness'; in Danish '*frisind*'], an expression of respect for the internal affairs of the church, an expression of the tradition of freedom we cherish. And if one should not wish to marry a couple of same sex then one can simply say "not for me" and leave it to somebody else. To me, that is a potent act of freedom' (Folketinget, 2012b: 3rd neg. contrib. 306). In contrast, the opposition emphasized that this individual right must be supplemented by some form of *community right* to decide for them self – a form of independence or autonomy. 'The Danish Folkekirke is Evangelical Lutheran... which means that the Folkekirke is a clear, firm and well-defined religious community. We

have the Articles of Faith to refer to here, and though I know that some say it is a matter of interpretation, there really is some things so pronounced that we cannot neglect it and replace it with our own agenda. ...Even the bishops have complained that it is not respected as a religious community. That's what they said. I don't know where the bishops would end up if they actually had permission to discuss the matter' (Christian Langballe in Folketinget, 2012b: 1st neg. contrib. 124).

The quotes represent the two positions taken in the parliamentary debates circling around the question of autonomy of the church vis-à-vis the state. Can and should the state interfere in the inner affairs of the Folkekirke, and how much?

In relation to the regulation of the Folkekirke there is a general distinction between internal and the external affairs of the Folkekirke (as we saw in chapter 4 finds its roots in natural law inspired by the Lutheran Two Kingdoms Doctrine), where it is custom that regulation of especially the former needs to be informed by theological experts. One way to understand this discussion concerning the autonomy of the church has been well captured in a Danish context by legal scholar Lisbet Christoffersen. She notes that there is a general discussion in European parliaments between those who believe that general law and rules enforcing e.g. equality should 'also prevail within religious communities. Others... think that religious communities have a right on the basis of church autonomy to decide on their own' (Christoffersen, 2010c: 587). As such, there is a question of how far the parliament's secular legislation can reach

into religious communities without violating their right to autonomy (as a reflection of corporate religious freedom).⁶⁵

Church autonomy is a theoretical position which interprets the principle of religious freedom as not only individual, but ‘...also a right for religious institutions to autonomy when it comes not only to organization and leadership, but also to the rules behind the leadership, i.e.: canon law or internal autonomous regulation of the legal framework on the basis of which the decision are made’ (Christoffersen, 2010c: 565; see also Christoffersen, 2006; for an authoritative anthology on church autonomy, see Robbers, 2001; within political philosophy, see Bader, 2007: 237-244). Thus, the notion of church autonomy means that secular ‘...legislation is seen as a limitation of freedom of religion, which can be justified as necessary in a democratic society in the interest of public safety; for the protection of public order, health or morals...’ (Robbers, 2001: 585).

Since the reformation and especially in a Norwegian, Icelandic and Danish context, there has been a tradition of treating the established church as a public law entity. This means that public laws and rules automatically applied to the established church as well, whereas the remaining religious communities were regarded as private law entities (Christoffersen, 2010c: 577; 581-582).

⁶⁵ For example, is a religious community allowed to discriminate against women when hiring priests or imams for religious reasons, when general non-discrimination laws prohibits such elsewhere? In Denmark ‘...the parliament agreed that it must be part of freedom of religion for religious communities to decide on their own whether or not religious leaders should also be covered by the general rule on equal treatment.’ (Christoffersen, 2010c: 586).

Christoffersen argues that in recent years, there has been a move towards an increased emphasis on religious freedom as autonomy in a Nordic context, with the Danish Folkekirke remaining the most public and state-dependent entity (Christoffersen, 2010c).⁶⁶

However, as we have seen in the above presentation of the parliamentary debate over the same-sex marriage policy, an understanding of the Folkekirke as a public law entity holding some degree of religious freedom as a community was in fact discussed.

In relation to the policy debate on the notion of church autonomy, it is interesting to note that the promoters of the policy were mostly concerned with the Folkekirke and not *all* religious communities in general. As mentioned, the issue might be that the Folkekirke has traditionally been regulated under public law, while other religious communities are regulated by private law (i.e. as a private association). But this status as a public law entity leaves it unclear where the boundary between religious norms and political norms lies. If there is only

⁶⁶ For example, the major Swedish church-state reform in 2000 disestablishing the church leading to almost-full independence of the church (within the legal framework of the church law) maintaining its symbolic state recognition (Bäckström, Beckman and Pettersson, 2004; Modéer, 2010). Or the increased autonomy of the established Norwegian church beginning from the Church Agreement unanimously agreed upon in parliament in 2008, warranted by the constitutional amendments in 2012 and effectuated by the new church organization which took effect in 2013 with still more responsibilities being transferred from the state to the church like e.g. appointing authority and administration (Kyrkjerådet, 2012).

secular law and a not parallel legal system for any religious communities in society, then why should there be room for any religious norms at all?

On the one hand we have seen examples of different governments making legislation directly related to internal affairs. One example was the law allowing women to be hired as pastors in the Folkekirke in 1947 (see Kirkeministeriet, 2010: 40). Another example was the law on court hearings of clerical cases of dogma from 1992, a regular local (city) court of secular judges joined by two theological experts to decide on cases in which ‘...a pastor, dean or bishop in preaching or any other way has neglected the Danish Folkekirke's Articles of Faith’ (Lov nr. 336, 1992: article 1; see also Garde, 2011: chapter 2). On the other hand however, the regulatory reluctance also meant that the right to religious freedom as a community has been somewhat observed. First of all, parliament has never directly dealt with liturgical questions, and second of all Danish law does contain some form of religious freedom-as-autonomy, where the general legal standards of e.g. non-discrimination is exempted. An example could be that religious communities are allowed to only hire male priests or imams for of religious reasons, or of course the right to deny marriage with legality to same-sex couples (on the first example, see Christoffersen, 2010c: 586).

If we look at the wording in the explanatory memoranda to L105 and L106, it appears that the policy of same-sex marriage gave recognized and approved religious communities the freedom to opt-out as communities: ‘...it will be up to the individual religious community to decide whether two persons of same sex can enter marriage in the religious community’ (L106, 2012: 4). The Folkekirke did not receive this option as a whole but instead only the individual pastors, ‘which for reasons of conscience do not wish to participate in a marriage of a couple of same sex, has the freedom to say no to this’ (L105, 2012: 2). One

interpretation of this difference could be that the Folkekirke were seen as a public entity without autonomy, so that it is the responsible minister who has to ensure that the church follows the law of the land. Thus, when the government and its supporters pointed at equality as their reason for the policy, and the opposing MPs objected to this with reference to the Folkekirke's independence and freedom from political interference, they were struggling over the autonomy of the internal affairs of the Folkekirke. This circles around the interpretation of article 4 in the constitution, and also significantly highlights that the bishops as the theological top-tier of the church community plays a central role in this question.

5.3.2. Bishops: Leaders of the church or government officials?

As mentioned above, one important element in determining whether article 4 in the constitution had been respected was to inquire with the bishops whose functions include theological supervisory authority, and they are responsible for composing rituals for Folkekirke pastors. In this connection, it should be noted that while the policy ended up being implemented, it was in fact unsettled (e.g. not tried through a legal process) whether a majority of the bishops representing the Folkekirke held the right to deny such a demand of regulation on the ground of religious norms. However, it is difficult to state that the government directly *instructed* the Folkekirke to implement the policy. While parliament can make public law on the Folkekirke's behalf and the minister can regulate the Folkekirke's affairs with royal decree, what is being regulated in this case is the legality of the rituals enforcing the marriage. Could the bishops simply have refused to make these rituals, if they believed that it was not compatible with the Articles of Faith, and consequently blocked a main aim of

the policy (since the parliament has retained itself from dealing directly with liturgy and the minister is only supposed to authorize liturgy by decree)?

During the L106 debate Sareen referred to a meeting he had with the bishops before the policy was introduced to parliament, where the bishops was quoted stating that ‘...the parliament holds the competence to decide on the legal designation of partnerships between two of same sex... despite this disagreement [on the theological understanding of marriage] the bishops are willing to contribute to the process of composing the rituals’ (Folketinget 2012b: 3rd neg. contrib. 298). Thus, we do not know exactly whether the Folkekirke's freedom as a community went as far as composing new marriage rituals.

Perhaps because of this underlying uncertainty the role of the bishops in this policy were also open to parliamentary discussion, as it was questioned in the debate whether the bishops in fact wanted this (c.f. the Langballe quote above). In the public debate, it attracted attention that two of the ten bishops refused to participate in the policy implementation at all (that is, to help compose the ritual for Folkekirke pastors to marry same-sex couples). Two days before the policy came into legal force, bishop Steen Skovsgaard stated to a national newspaper: ‘It is not a ritual I wish to use myself.... The foundation of a Christian marriage to me is between a man and a woman... The case about church marriages of homosexuals have resulted in tolerance in the Folkekirke being strained to its limits and... [I] hope it will not lead to division’ (Skovsgaard in Rasmussen, 2012, a view also found in the L105 consultation view in Kirkeudvalget, 2012b: 8). In the same newspaper, bishop Lise-Lotte Rebel stated that ‘I have not wished to participate in the composing of the ritual... The Biblical promise of life in marriage between a man and a woman as God's good meaning with human life together cannot be included. Otherwise we would have to

rewrite the Bible' (Rebel, 2012; a view also found in the L105 consultation view in Kirkeudvalget, 2012b: 2-7). Rebel and Skovsgaard shared the view that Christian marriage cannot be redefined to include homosexual couples, and therefore it would go against their conscience to conduct the ritual.

A few days before the first parliamentary negotiations over L106 were to take place, additionally three bishops made a critical public statement in a national newspaper. Here they referred to the discrepancy between the recommendations of the recent committee on registered partnership in the Folkekirke from 2010 and the policy (Bro, Christensen and Nissen, 2012; the same report as mentioned in section 5.2.1. above). In the 2010-report the committee representing different opinions on same-sex couples in the Folkekirke had a majority wanting to maintain marriage in the church, but importantly the majority considered marriage and registered partnership to be two different entities (Kirkeministeriet, 2010a: 7-11). Furthermore, half of the committee members supported registered partnership to be legally entered in church. The three bishops thus continued the statement: 'We say "no" to the new marriage legislation... it means that the Government renders its civil law definition of marriage theological validity. Hereby, the former balance between state and church has foundered. If the law is passed by a majority in parliament the church must consider whether it wishes to hold authorization to marriage on these conditions at all' (Bro, Christensen and Nissen, 2012; they published a public statement 4 months earlier with similar arguments, see Bro, Christensen and Nissen, 2011).

At this point, it looked like the bench of the bishops were evenly divided. We know from the views expressed in the L105 consultation that five of the ten bishops consented to the policy (Church Committee, 2012a).⁶⁷ Out of these, two were explicitly in favor of the policy (Peter Skov-Jacobsen and Peter Fischer-Møller), two were neutral (Kresten Drejergaard and Kjeld Holm), and one consented while stressing the importance of maintaining the theological and cultural difference between marriage and partnership (Niels Henrik Arendt). Judging the consultation documents, the bishop's theological views on marriage had two in favor of same-sex marriage, two neutral and six arguing that it should not be called the same in a church context. However, at the time of the third parliamentary negotiation of L106, Sareen stated that he had found a majority (eight out of ten) willing to compose the ritual.

We explore a good indication of why this is, focusing on a feature article in the national newspaper Jyllandsposten the 11th of June 2012 signed by eight bishops. It had the title 'A new ritual of marriage is ready', which contained their reasons for composing the ritual and in the end of the text they presented the actual ritual (Arendt et al, 2012). The statement established that amongst the bishops, quite different views on same-sex marriage existed and therefore when rhetorically asked 'why then, despite disagreement, have we in unity composed this ritual?' (Arendt et al, 2012), they referred to two reasons. First, despite

⁶⁷ In the consultation minute for L106, again only 8 bishops answered, of which 4 were against, 3 had no comments and one answered (Kresten Drejergaard) that he did not oppose the possibility of same-sex marriage, but that he considered this an internal matter which in the future should be decided upon by the Folkekirke itself as other religious communities (Kirkeudvalget, 2012c).

different theological interpretations, the church should not find itself divided and thus bishoply unity was paramount in this situation. Second, what united the bishops was the recognition that 'state of the law is that when the parliament decides that homosexual couples can enter marriage in the Folkekirke, then the Folkekirke holds an obligation to introduce such an arrangement' (Arendt et al, 2012). One could interpret the first answer to refer to the bishop's role as leaders of the church, and the second referring to bishops as holding a degree for government official responsibility. As stated by one of the three bishops, Elisabeth Dons Christensen, who had earlier opposed the policy: 'These are the conditions [for the Folkekirke] being connected with the state. As an established church we get some privileges [*'muligheder'*], and at the same time there will be some duties. Thus it is to be a church, which is closely connected to the state' (Christensen in Bastrup, 2012).

However, the above feature article by the eight bishops concluded that 'Even though the new Marriage Act has been proposed by the Minister of Family Affairs because it belongs to her field of responsibility, the public debate has almost exclusively been about the Folkekirke' (Arendt et al, 2012). Besides repeating the critique of passing the legislation through the system too fast, the bishops in addition pointed out that '...the necessary distinction between the legislators and the Folkekirke has not been clearly maintained in this case' (Arendt et al, 2012), meaning that parliament did not wait for the Folkekirke itself to submit a proposal. 'With these rituals we thus wish to resume the old Danish tradition of due trust in the theological founding [*'dannelse'*] of the pastors and the pastoral experience in connection with preparing church ceremonies' (Arendt et al, 2012).

Thus, the statement of the eight bishops concluded the policy implementation, as the first same-sex couple became married a few days later in a Folkekirke church with full legality. In the debate over the policy, the tradition of regulatory restraint in relation to the internal affairs of the Folkekirke was evoked. The old Danish tradition of 'due trust' in the theological expertise that the bishops wished for could be considered a light form of church autonomy. However, in this case the church was not given such autonomy.

On the basis of the analysis in this section, I would argue that while it remained legally unsettled whether the state in fact instructed the church to implement the policy, the political *involvement* in the internal affairs of the church was more apparent. The parliament passed law, allowing for the amendment of a ritual belonging to the internal affairs of the Folkekirke into a form of which six out of ten bishops did not theologically approve of (along with most responses in the consultation of both L105 and L106). Yet the government could take advantage of the particular doctrine of church-state relations which became the center of the policy debate in parliament, and which in the end a majority of bishops recognized as their duty to follow (some keenly, some principally disinterestedly, some reluctantly). Crucially, it was not merely legal arguments or the ecclesiastical fear of dividing the church that were the grounds for doing this. It was what I would identify as political considerations of adherence to the tradition of governmental regulation of the Folkekirke,⁶⁸ and

⁶⁸ Bagge noted in the end of the 3rd negotiation of L106, that when 8 out of 10 bishops agreed to compose the rituals it was 'an expression of the bishop's acceptance of the church doctrine [kirkeordning], which promise that the

not the least a notion of maintaining the church as an important site of national belonging. It is especially the last point that I will elaborate on in the next section.

5.4. When unity through separation creates tension

As was discussed in chapter 2, an important theme in the story of peoplehood is the doctrine organizing the relationship between public religion and the state. I argued that this theme can be used to evoke a sense of ethical worth and trust in the political elites governing the system, democratically representing the people. As such, we would expect discussions about the proper relationship between religion and politics to tap into the constant reproduction of political identity. Furthermore, in a Danish context I pointed to a form of secularism which is based on separation-as-principled-distance. It signifies that rather than the state symbolically holding special relations with one or more religious communities, it instead adheres to the principle of treating all religious communities as equals (in contrast to treating everyone equally). This kind of secularism I called *modest establishment*, which is based on a particularistic variant of peoplehood, since it affirms a special politico-cultural importance of one kind of religious community.

As pointed out, I argue that Danish political tradition to a large extent draws upon this form of secularism. From this perspective, the policy analyzed in this

parliament legislate on behalf of the Folkekirke, and when the bishops agree to compose the rituals it is because they think it is the right thing to do.' (Folketinget, 2012b: 3rd neg. contrib. 106).

chapter can contribute to our understanding of the national importance of the separation doctrine. We can observe from the political language deployed in the policy debate that the fundamental model of establishment is not seriously contested by most MPs.⁶⁹ In the debate only the odd couple of two minor parties, the far-left Enhedslisten and the economically far-right Liberal Alliance explicitly argued ‘...the state should not interfere in church affairs. This is also why I think it's good that we revoke a prohibition regarding what the church can do when marrying homosexuals. That is, the reason for supporting this proposal... but we should have an arrangement where the Folkekirke is its own master and the state its own master, and the two are separate’ as Liberal Alliance's Ole Birk Olesen stated (Folketinget, 2012b: 3rd neg. contrib. 18; see also Enhedslisten's Schmidt-Nielsen in Folketinget, 2012b: 3rd neg. contrib. 112). While they supported the policy in the name of greater freedom to pastors and more equality between sexual orientation, the state-church arrangement in their view is fundamentally wrong.

However, besides these two parties the debate instead concerned *how* (not *if*), the Folkekirke could best be aligned with the moral and political climate in the Danish people. The conflict was centered round who should take initiative: the Folkekirke or parliament. Thus, it is apparent in this policy that within this general secularism doctrine the political views were divided in two positions competing over its meaning.

⁶⁹ Only EL and LA explicitly argued against the establishment during the L106 debate, together representing 21 out of 179 seats in parliament or 11,7percent.

5.4.1. Particularistic qualities of Danish peoplehood

The two positions in the policy debate can both be seen as affirming a particularistic ethically constitutive theme, that 'they must be elaborated in particularistic ways if such stories are to explain why membership in a specific people is justified' (Smith 2003: 97). Thus, we might search for clues in the political language in the policy debate for why a seemingly secular piece of legislation should be linked to the Folkekirke? Why is the Folkekirke particularly important in this respect?

Let us start with a quote from one of the ministers behind the policy, Manu Sareen, who quoted in the national newspaper Politiken: 'With homosexual marriage in the church we are able to take yet another step towards a society, which fully accept the equal status of individuals - no matter who you are or who you love' (Sareen, 2011a). In this quote, which was part of the public debate leading up to the proposed legislation the following year, Sareen stressed the importance of realizing the policy of equal access to marriage specifically in the Folkekirke. A little later the same year, Sareen could then finally make the two amendment acts official in the national newspaper Jyllands-Posten. In that connection he stated that 'As the Minister of Gender Equality and Ecclesiastical Affairs, I am content that the Danish Folkekirke now welcomes the whole nation [*'hele folket'*]. This is how it should be. Just as no one is prevented from declaring their love in the church due to skin color or origin, no one should be denied due to their sexuality. It is both a human right to practice one's religion and to be free from discrimination due to one's sexuality. These rights are now also granted to the homosexual members of the Folkekirke' (Sareen, 2011b).

The policy technically regulates marriage in general, amending the Marriage Act to include same-sex couples for all marriages entered with legality

by civil registrars, recognized and approved religious societies and Folkekirke pastors. But when presenting the policy, Sareen stressed the *Folkekirke* marriage which also echoed the wording in the government's coalition statement: 'The government intends to give all members of the *Danish Folkekirke* the option to get married in the church, irrespective of their sexual orientation' (Regeringen, 2011: 66, italics added), and which did not mention the general legal marriage redefinition. However judging from Sareen's statements, formulations such as 'another step towards a society' and 'the Danish Folkekirke now welcomes the whole nation' hints the importance of the Folkekirke as a valuable symbolic site for the nation.

It can also be understood the other way around. Since equality is important to the Danish people, it should also be important to the Folkekirke. In the case of equality in marriage Klint said 'The love of any human being should be met the same respect from society, and all married couples should be called the same... This is an attitude towards human beings we should be proud of.' (Folketinget, 2012b: 3rd neg. contrib. 58). Specifically in relation to the Folkekirke, Bagge argued 'Several polls has been made on this question, and since 80 percent of the population are members of the Folkekirke, and there is a large majority of the population in favor for making legislating legalizing same-sex marriage in the Folkekirke, then one must assume that the members of the Folkekirke also support this' (Folketinget, 2012b: 3rd neg. contrib. 110). Considered from this position, is was a matter of securing religious freedom to the individual Folkekirke pastor since before the policy, they did not have the possibility to marry same-sex couples if they so wished. One Social Democrat MP, Mogens Jensen stated 'It is not to steamroll the Folkekirke to decide that one cannot marry homosexuals, despite that we know that two-thirds of the pastors wish to do it, and when we know that many parish councils wish so too... With this

legislative proposal the priests are actually given freedom to decide for themselves whether they want so or not' (Folketinget, 2012b: 3rd neg. contrib. 46). This position regarded gender, sexual and religious equality to be central values to the nation in general and *therefore*, the government directed its focus in the policy to the Folkekirke as a public law entity.

The position criticizing the amendment acts also affirmed a special national importance of the Folkekirke. But in this respect the difference was rather based on a concern for breaking the traditional ties between the people, the state and the church. As a former minister of Venstre, Birgitte Rønn Hornbech stated 'Gender neutrality is being forced on the Danish people and the Folkekirke. The government is altering historical, cultural and Christian understanding of marriage without debating it. It is hard times in Denmark with a government utterly disregarding a common [related to the people, '*folkelig*'] and ecclesiastical debate about that which concerns us all. Today, with a stroke of the pen the government tries to wipe out an ancient culture and common [*'folkelig*'] self-understanding...' (Folketinget, 2012b: 3rd neg. contrib. 248). Also an MP from the Danish People's Party, Alex Ahrendsen, stressed the connection between the people and the church 'The Left often speak of social cohesion [*'sammenhængskraft*'] but with this attack on the church they divide the Danes and the church. The Folkekirke has been a unifying force for Denmark. This they want to destroy...' (Folketinget, 2012b: 3rd neg. contrib. 168).

From this perspective one of the main aims of parliament is to ensure a legal framework, which facilitates strong cohesion and unity within the church. This unity is based on certain values which are not up for political negotiation, and these values are of importance to the people. This vision finds some similarities in Mynster's State Church Model (see chapter 4), in that it emphasizes an idea of the Danish people united in the Evangelical Lutheran

religion, a connection many centuries old. Thus, the Folkekirke hold the right for constant upkeep by the state not only for its own sake, but for the sake of the cohesion and wellbeing of the people. This is also the reason why the official opinion of the opposition parties, Venstre, the Conservative and Danish People's Party fairly explicitly declare that in Denmark there is religious freedom, but not equality, understood as equality between religious communities.⁷⁰

With reference to a previously rejected legislative proposal to allow for same-sex couples to become 'life companions' [*livsfæller*] with similar legality as marriage, yet with a different ritual and name, the Conservative MP Lene Espersen, specified in the L106 debate 'I wish to make clear that I believe that homosexual couples should be able to marry in church, but I do not believe that marriage should be gender-neutral. To me it is absolutely critical that we maintain the values which society is based on, and that we keep up the traditions and the culture which cement us together' (Folketinget, 2012b: 3rd neg. contrib. 166). Integrity of the traditional church community is connected to

⁷⁰ In an article in the national newspaper Kristeligt Dagblad the political parties were asked on their official position on state-church relations. Here, the Conservative Charlotte Dyremose stated that 'we wish to maintain religious freedom but not religious equality... We wish to maintain the privileged position of the Folkekirke and Christianity in our society.' And Venstre's Per Bisgaard: 'the constitutionally privileged position of the Folkekirke must be maintained... and the state must restrain itself from interfering in the affairs of independent churches and other religious communities.' (as quoted in Schou, 2011). In the party program for the Danish People's Party it is established that 'the Folkekirke... is and must continue to be the Danish people's church, where pastors enjoy freedom of preaching. It is important to establish that in Denmark our constitution guarantees religious freedom, but not religious equality.' (Dansk Folkeparti 2009).

the integrity of the national community. As we saw before, there is concern of taking state recognition of same-sex marriage into church affairs, as it may create intra-church conflict and this would therefore politicize the church.

The struggle over meaning in the policy relating to church-state relations to a large extent was based on a *shared* understanding of the Folkekirke as a public good and an important site of national belonging. However, they differed in the way the Folkekirke entered as an ethically constitutive theme in a more general story of Danish identity.

One possible interpretation of the reason for political contestation over this theme is that one side considered the Folkekirke as a particularly important means to achieve certain values and identity (i.e. equality and gender-neutrality), and the other side sees the preservation of the church as a cultural and religious reservoir, as an aim in itself (e.g. maintaining an unpoliticized church, a Lutheran foundation and a cultural embeddedness). Both perspectives appeal to the ethical worth of the political community, either in the form of affirmation of the Christian heritage or as the bearer of a tolerant culture. As Smith noted 'To believe one's self to be a beloved child of God or a member of a superior race or the descendant or heroic ancestors or the bearer of a brilliant culture is to have a firm basis for a sense of meaning, place, purpose, and pride' (Smith, 2003: 98). Indeed, the policy agenda for the Social Democrats states 'When thinking about Danish culture we often think about allotment gardens, village churches, open sandwiches [*smørrebrød*], homely togetherness [*hygge*] and Dannebrog. Behind these wonderful Danish symbols lie something still more profound and important. It is the story about a country which became one of the best in the world by political struggle' (Socialdemokraterne, 2011: 12)

Within the policy the particularistic story of Danish peoplehood was evoked from different perspectives, and in particular the Folkekirke-state relation became an important theme. As we shall see in the next chapter, these different ways of evoking ethical worth of being a member of the political community became further accentuated when the political focus turned directly to how the Folkekirke should be governed. The question of reforming the church governance has increasingly gained momentum, as still more political parties question the appropriateness of a secular parliament legislating on behalf of one particular religious community. This may highlight a society characterized by increased religious pluralism (including areligious citizens), and declining membership rates of the Folkekirke. As will be discussed further in chapter 6, this should be seen in the context of different recent cases bringing into question the appropriateness of the church-state relation, based on regulatory reluctance and a lack of formal rights and division of labor. The same-sex marriage policy can be seen as a culmination of such a tendency. Amongst those in favor of greater formalization of the Folkekirke arrangement, some see it as a way to protect the Folkekirke from further interference, while others see this as a first step towards further separation and eventual equality between religious communities.

5.4.2. Making sure the church does not turn 'queer'

This also points to tensions between different political agendas, to be fulfilled by the government proposing the policy of same-sex marriages. On the one hand the government consisted of parties that were all opposed the former center-right government's tight leach on the Folkekirke, and for not showing any will to equalize other religious communities with the Folkekirke. In 2005 in a

press release from the Social Democrats, Klint stated that 'We want a Folkekirke with room for differences [*'rummelighed'*], tolerance and democracy. And the church must be further detached from the Minister. However, this is not the same as separating the state and the church' (Klint, 2005) In 2008 SF's Bagge wrote in a debate piece that '...it is misunderstood love to keep the Folkekirke in an obsolete and inefficient structure. The Folkekirke must be reformed so it can develop and even flourish' (Bagge, 2008). On the other hand, the intention to supplement the existing marriage ritual with a new one was framed as a matter of not discriminating against citizens on the grounds of self-ascribed sexual orientation. However this framing was only possible because Sareen considered the Folkekirke as falling under the responsibility of the state. The state legislates on its behalf and thus falls under the same standards of rights and duties as any other public institution. According to the policy promoter's statements during the parliamentary debate, the state not only held the right to regulate marriage in the Folkekirke, they responded to a moral *duty* to do so to ensure equality and freedom in the national church and thus for the whole nation.

The chairman of the Atheist Society did not miss the opportunity to deride the government's awkward position in the matter after the policy was presented to the public: 'After all, it is not just the Folkekirke, which had the permission to discriminate based on people's sexuality. In Denmark we have about 120 approved religious communities all with the right to officiate legally binding weddings, if they so wish. But now, they have enjoined one of them to marry homosexuals - why should this not be the case for all approved religious communities?' (Lindgreen, 2011). He points to the fact that the Folkekirke was not given the same religious freedom as a community as the rest of the religious communities.

The tension thus consisted in the actions of the government that wanted to affirm an interpretation of Danish secularism based on ideas of mutual distance, equal treatment and religious freedom within the existing institutional regime of establishment. Whilst at the same time they pursued political ends (i.e. non-discrimination of same-sex marriages), whose means would violate those very principles. Eventually, the government promoted equality between two types of sexual orientation at the expense of the Folkekirke's autonomy and the neutrality of the state. This was exactly what they were criticized for. By expanding the rights of one sexual minority in the *Folkekirke*, the government not only challenged the custom practice of the state, but also caused additional tensions in relation to the status of the remaining religious minorities.

5.4.2.1 Sexual freedom as a substitute for political freedom?

The case in this chapter teaches us something more general about secularism. The amended Marriage Act of 2012 not only concerned the rights of homosexual citizens, but also the affirmation of a particular cultural norm in Danish nationalism. Naturally, this in turn touched upon the issue of political identity. Religion sociologist Grace Davie has asked the question of why we find established churches are being assigned such nationally important roles. With her term *vicarious religion*, she conceptualizes a phenomenon similar to that of the Folkekirke. Davie points to how a minority of the population functions as devout people of faith on behalf of the consenting, though not actively religious majority (Davie, 2000: chapter 2 and 3). According to Davie, vicarious religion is not only performed religion on behalf of the majority. Religious communities can often become subject to questions of pressing moral and political issues, which is difficult to solve elsewhere in society. Davie herself has pointed to the debates

of homosexuality in the Church of England as an example of this (Davie, 2006: 26).⁷¹

Certainly, it should not be questioned how important the possibility of homosexual marriage in the church has been for the 128 couples who took advantage from the amended marriage act passed till 2013 (Statistics Denmark, 2014c). If we look at the data, official statistics indicate that about 21 percent of total same-sex marriages were conducted in the Folkekirke in 2013, which is significantly lower than the general average of about 39 percent being married in the church the same year.⁷²

⁷¹ From the perspective of the Folkekirke, a less optimistic reading of the 'vicarious religion' could be that of theologian Jørgen I. Jensen who wrote the book *The Distant Church* in 1995 ('*Den fjerne kirke*'). In this influential book Jensen states that while the mere existence in both the physical and cultural landscape still hold a potential to have an effect on human beings, it is an effect decoupled from its religious preaching partly because the church is associated with a 'claustrophobic situation of boundaries.' (Jensen, 1995: 8). Thus, 'the distant church' is experienced as isolated, romanticized, symbolic and without access. Another interesting interpretation is that of the Danish church historian Hal Koch, who noted that despite numerous revivalist, spiritual, secular or even atheist movements countering the Folkekirke, and the fact that at best a couple percent of the population attend church services, still the overwhelming part of the population is member of the Folkekirke. Koch asked: 'which kind of religiosity underlies this behavior?' (Koch, 1960: 396). Koch suggested that the answer lies in the notion of 'folk' or 'common' religion ('*folkereligion*') characterized as 1) securing a safe existence in fertility, growth and richness; 2) inspiring gratitude and veneration for life; 3) and finally that it provides guidance in faith and action in life (Koch, 1960: 396-399).

⁷² In fact, 39 percent church marriages in 2013 represents a fairly strong downward tendency - in year 1997 more than half the marriages were in the church. The total number of same-sex marriages in Denmark in 2013 were 359 or 1,4 percent of all civic and church marriages in Denmark that year, see

On the other hand, it does not appear that the marriage act was driven by a pressing societal demand pertaining to a large section of the population that extends its jurisdiction to the inner affairs of the church. In fact as one bishop pointed out neither homosexual marriage, nor blessings of registered partnerships are often seen in the church relative to heterosexuals (Søgaard, 2012). Following the analysis of the policy and Davie's ideas, I would argue that during the policy debates the Folkekirke played as an important site of national belonging, as the church community represents vicarious religion.

In her most recent book *On the Muslim Question* (2013), Anne Norton noted how sex and sexuality in the west has become a site of fundamental disagreement among philosophers and politicians alike. 'This is the terrain of the cultural wars, and underneath [...] debates of sex and sexuality, equality and the sanctity of the family, the role of women, culture and rights, continue unabated' (Norton, 2013: 45). As one example Anne Norton points to how the controversial Dutch politician Pim Fortuyn (assassinated in 2002) through his open and flamboyant homosexuality, enabled his supporters to affirm their sexual tolerance even as they manifested their immigrant intolerance. The effect, she claims, was that sexual freedom came to substitute political freedom (Norton, 2013: 56). Was something similar at stake in the case of the same-sex marriage act? Did the politicians downplay religious freedom of the vicarious

Statistics Denmark, 2014a; 2014b; 2014c. However, investigating these numbers, I found these official numbers to be subject to some uncertainty because of category confusion in collection and processing of data by Statistics Denmark, The Ministry of Ecclesiastical Affairs and the county registrars.

religion (the national church) in the name of sexual freedom for the heterosexual majority protecting a sexual homosexual minority?

Interestingly, Jasbir Puar has offered a framework to approach when homosexuality is included in 'liberal discourses of multiculturalism and diversity' (Puar, 2007: 77), in order to strengthen the national narrative, but at the same time drawing up the boundaries of 'us' and the 'others'. She coined it *homonationalism* to signify '...how "acceptance" and "tolerance" for gay and lesbian subjects, who have become a barometer by which the right to and capacity for national sovereignty is evaluated.' (Puar 2007: 336). As is also Norton's argument, Puar claims that politicians publicly embracing homosexuality are often deeply embedded in a particular national interpretation of freedom, emancipation and citizen rights. In this way, mainstream political discourse recognizing a certain version of homosexuality can come to disqualify or even contribute to racial and sexual segregation from the national imaginary if certain groups does not fall within the limits of 'us' (Puar 2007: 336). Why? As the Danish scholar on culture and sexuality Michael Nebeling Petersen points out, homosexual citizens do not represent evil forces threatening public morality as they did in the political discourse in the 19th and the first half of the 20th century. Today rather than threatening the national community they are now a *demonstration* of the national community (Petersen, 2014: 74; see also Bech, 1992). In that connection, Puar points out that 'queer' not only designates something other than heterosexuality, it also points to what exactly is not in accordance to normality or common norms (see Puar, 2007: 24).

If we apply the notion of homonationalism to the contested ideas of the policy, we might start to question not only the right of a secular state to interfere in the inner affairs of a religious community, but also of the political thinking behind the amended marriage act. If homosexuality is part of a common national

narrative of Danish peoplehood, how are other religious communities then evaluated if further equality between religious communities is obtained? That is, will the marriage act be part of a 'homonationalism' underscoring the otherness of non-Christians, or even groups not open to accept same-sex marriage in their belief system? Was the policy also an attempt to make sure the church was not turning queer (in the sense of deviating too much from public norms)?

5.5. Concluding remarks: Danish secularism and symbolic recognition

As the analysis has shown in this chapter, there are some rules of conduct when it comes to the regulation between religious communities and the state in Denmark. These rules of conduct we could also call a doctrine of separation or a tradition of Danish secularism. In the policy analysis, we observed that the legal and institutional arrangement of the Folkekirke is regulated with concern of religious freedom, either for the religious communities or the individual Folkekirke pastor to choose in accordance with their conscience. Furthermore, the Folkekirke's corporate freedom (or autonomy) was a point of contestation as many opposition MPs stressed the tradition of regulatory restraint as important for the Folkekirke as a community, somewhat independent from the state in matters of internal affairs. Here, the concern was not so much for the religious neutrality of the state or the parliament, as it was for the protection of the Folkekirke from politics.

Thus in this specific policy debate, while most political parties acknowledged the constitutional establishment, it appeared that disagreement was structured in terms of how they interpreted the connection between Danish peoplehood and the Folkekirke. As will also be touched upon in the next chapter, some interpret this connection as merely a cultural tradition not standing in the

way of other religious communities' place in Danish peoplehood. Others maintain that religious equality would threaten the deep roots of Danish identity and fundamental values. In the first case inequality is only symbolically supported (in practice by affirming article 4 in the constitution), but at the same time treating everybody as equals is a declared agenda for all the policy-supporting parties (i.e. to give all religious communities similar rights and duties). In the other case religious equality is more or less explicitly rejected (KF and DF directly, while V is silent on the issue), with reference to the deep and natural link between Danes and the Christianity of the Folkekirke.

In relation to a republican understanding of citizenship, the first position can be criticized for not respecting the equality of citizenship. This is understood as the recognition of all citizen's equal inclusion in the political community by the state (the republican egalitarian argument that the state should treat all citizens equal both legally and symbolically, see Laborde, 2013: 85). Besides this republican objection, the other position in addition might also be criticized for their too exclusive particularistic vision of Danish peoplehood by linking some political values with a specific Christian church and theological tradition. Here it may not only be historically, but act as a guideline for religious governance today. Thus, equality between religious communities is not acceptable, as this would threaten the coherence and foundation of Danish identity. Such a peoplehood is difficult to rhyme with even a minimalistic understanding of equality from a political liberal perspective. Yet an interpretation of religious freedom as not only individual or collective but corporate, may also criticize the government's policy for granting the Folkekirke too little co-decision in its own internal affairs (see also the next chapter on this discussion).

Given the apparent overlap between notions of separation (between the state and the Folkekirke) and peoplehood in the case of same-sex marriage, the

theoretical framework developed in earlier chapters thus becomes relevant. In this terminology, what the different positions on Danish secularism share is a similar conceptual morphological structure. They both ground their boundary-setting of religion and politics in a Lutheran conception of secular law (the Folkekirke as a public law entity), coupled with a particularistic type of peoplehood. However, it is especially when it comes to the additional quasi-contingent category of religious equality that they differ. This I argue is at the same time what draws the line between what basic liberal justice can justify and what it cannot (following Laborde's reading of Rawls, see chapter 2).

When one political discourse supports a symbolic establishment, and insists on treating anybody as equals irrespective of religious persuasion I argue it is a type of principled distance, and thus hold the potential to reside within the parameters of political liberalism. In the case of same-sex marriages, we saw how the left-wing government struggled to strike a balance between such liberal principles of religious freedom and equality of sexual orientation on the one side, and their dependence on an existing social imaginary (particularistic Danish peoplehood) on the other. They tried to maintain a *formal* equality between all religious communities, arguing that the policy pertained to *all* authorities of legal marriage be they civil or religious. Though in practice, it was only the Folkekirke in the form of its bishops which saw itself as obliged to implement the policy into actual rituals. At the same time they pointed to the cultural and symbolic importance of the Folkekirke. This of course, put the government in an awkward position in relation to its other policy agenda of further autonomy for the Folkekirke.

Following Laborde, it is possible to make the argument based on mainstream Rawlsian liberal justice that some form of Danish modest establishment can be justified (see chapter 2). As we saw in this chapter, the

traditional separation doctrine in Danish politics has been based on an arm's length policy of regulatory restraint, but when this principle is challenged, it is difficult to maintain the liberal principle of treating all religious communities as equals.

In this respect, it is not surprising that both civil and religious (i.e. Folkekirke) marriages were legalized for same-sex couples. Traditionally, the national church has been a central site for affirmation of Danish peoplehood as a vicarious (official) religion. The theme of sexual tolerance might be a difficult question for the vicarious religion to deal with, but it might also function as a normative compass in the troubled waters of multiculturalization for a, until not many years ago, highly homogeneous population. If homosexuality now is part of the national narrative of Danish peoplehood, how are other religious communities then evaluated if further formal equality between religious communities is to be obtained?

In an increasingly multicultural context, the state and the government find it still more difficult to legitimize interventions like the 2012 marriage act. Again, the apparent problem is religious equality vis-à-vis peoplehood. Even though the Folkekirke enjoys certain privileges compared to other religious communities, the church is so vulnerable to political intervention that it might not compensate the advantages. This may explain why only few of the 'dissenting' religious communities have complained about their formally unequal religious status, in comparison to the Folkekirke. They know that there are strings attached.

Nevertheless according to republican political liberalism they *should* be concerned about both the constitutionally privileged Folkekirke and new marriage legislation. The 'modest establishment' of Denmark constitutes

symbolically an unequal recognition of citizenship (on this point, see also Laborde 2013: section IV). The Folkekirke is not only a peculiar historical artifact and a church for the majority of the Danish population; it is symbolically an important site of the people. The Christian symbols, which the Evangelical-Lutheran church of Denmark is considered to be heir to, permeate virtually every official symbol (see also Adriansen, 2003). As things stand now, the question of the relationship between the Folkekirke and the state concerns all Danish citizens, as it affects certain central elements of its peoplehood. When the 2012 marriage acts were passed and thus applied to the rituals and self-image of the Folkekirke, it also concerned a certain vision of Danish peoplehood.

As we saw in this chapter, one of the most salient points of debate was not so much homosexuality and marriage as it was about autonomy of the church vis-à-vis the state. Many contributors to the debate pointed out there seemed to be a paradox exposed. It should have been the Folkekirke itself taking initiative and possibly even deciding whether it wanted to introduce same-sex marriages as a religious community. But the Folkekirke neither holds opinion-making or decision-making competences in this regard, nor a decision-making body at a national level. In this sense, the case of the current governance reform of the Folkekirke in the next chapter is intimately connected to this paradox. It can be seen as an attempt to solve a problem, which arguably turned 165 years old this summer. When the new constitution on the 5th of June 1849 introduced the Folkekirke, it also introduced the problem of a state church in an age of religious freedom.

Chapter 6 Modernizing religious governance?

6.1. Introduction

‘Respecting the special status assigned by the constitution to the Danish Folkekirke the government wish to arrange a more modern and clear structure of governance’. Coalition statement by the government, 2011.

This opening quote represents the first explicit attempt by a government to reform the relationship between the Folkekirke and the state for $\frac{3}{4}$ of a century. With the former chapter analyzing the political circumstances, meaning and tensions of the same government's decision to legalize civil and church same-sex marriages, one could argue that the current case of modernizing church governance is quite an opposite agenda. While both cases arguably operate under assumptions of promoting modern conditions of marriages and church-state relations, the former does so at the expense of the latter. The reason is that the former had to take advantage of the state's pre-constitutional right to regulate the inner affairs of the Folkekirke. While the latter, as we shall see in this chapter, tries to grant the Folkekirke more autonomy from the state on exactly such issues in addition to economical governance.

As we see from the quote, the efforts to reform the governance of the Folkekirke are framed by ideas of transparency and modernization. Of course, the question is what such modernization reforms would entail?

On the one hand we have seen a constant flow of reforms adapting and attuning the church organization, in order to make it more aligned with other

state administration entities governed by public law. From that perspective, the current reform efforts which as we shall see, are explicitly drawing on the former two decades of reforms (of HR, economy, IT, local governance structures, etc.), and can be understood as part of the constant and incremental development. This incremental and ad hoc regulation appears to be a distinctive mark of the modern history of the Folkekirke, which is sometimes underlined as a virtue of state officials, politicians and public opinion makers alike. Modernization of church governance from such a perspective would entail only rule clarifications and simplification.

On the other hand, there is an alternative string present potentially sewing disharmony in the above perspective. It comes from two sides. Internally, the problem seems to be the constant resignation of memberships of the Folkekirke of around 1 out of 250 each year, a strong decrease in the number of new members (children baptized), and a general decrease of the use of core functions such as confirmation, marriages and funerals (Krak, 2012; however see also Lüchau, 2012, who shows that changes in the membership basis is slow but and gradual). In addition there is an exceedingly low level of participation of the members in the democratic bodies in the Folkekirke, resulting in a lack of legitimacy (Dabelsteen and Rostbøll, 2013). Externally, the composition of the general population has been undergoing a very fast cultural and religious pluralization during the last half a century, a development which by no indication will stop. As Lisbet Christoffersen has pointed out ‘...almost 25 percent of the Danes are not members of the Folkekirke. Almost 10 percent is something else like Muslim, Buddhist, Eastern Church-Christian or free church members. Almost 15 percent of Danes are not at all members of any religious community. It is a growing number... It is not a sustainable situation, that the minister decides everything, when not everyone is part of the Folkekirke’

(Christoffersen as quoted in Rehling, 2014b). Modernization in this case points to more substantial reforms.

This chapter will analyze the ideological language and meaning of the reform policy so far, by looking at the conflicting political arguments in the debate which was sparked by the new government taking office in 2011. It begins by fleshing out the historical context to the reform policy in section 6.2, before turning to an analysis of the central available texts of the current policy process in section 6.3. The final section 6.4 will conclude by relating the discussion to the earlier chapters.

6.2. Historical context of the policy

In this section we will both briefly revisit the 4 former official attempts to realize article 66 in the constitution (a church constitution see Folketinget, 1999), and in the following subsection touch upon the most important aspects of the recent decades of church governance developments.

6.2.1. Four former proposals

If the current 2012-committee's work results in a governmental legislative proposal, it would not be the first time in Danish political history this has happened. In fact, from the period of 1848 to 1940 a range of proposals have been tried out politically, but of no avail as they all failed. However, it might be instructive to look upon the proposals before turning to current affairs. The following brief section will not go into detail with the proposals, as these have been described thoroughly by Glædemark (1948), Iversen (1992), Gammeltoft-Hansen, 2006: 411-412, Rasmussen (2011; 2012), Andersen (2012), and in a

supplement to Report 1544 (Kirkeministeriet, 2014a). Instead the following is based on these sources.

The first proposal was made by Monrad in 1848 described in a legal order (*'cirkulære'*) and was an attempt to order the church-state relation, as the new free constitution was to come into force. '...The political changes happening will be fundamentally influencing the Danish Folkekirke and it must in particular be the undertaking of the government to realize the same principles in the church as has been exercised in the state' (Monrad quoted in Rasmussen, 2011: 57).⁷³ However, it was never to be followed through as Monrad withdrew from government shortly after and thus there was no one to promote it.

Four years and a constitution would have to pass before the first actual church committee to consider a constitution was appointed in 1853, by the Minister of Educational and Ecclesiastical Affairs Anders Sandøe Ørsted. All 18 members agreed on establishing local parish councils,⁷⁴ but were divided on a national church council (9 proposed an advisory assembly with a right to be consulted in church legislation, 7 proposed a council of bishops fixed by law). The recommendations were never made into concrete legislative proposals however, as a new government meanwhile took office and Carl Christian Hall became Minister of Educational and Ecclesiastical Affairs.

⁷³ According to Rasmussen, this text was the first to mention the name *Folkekirke*, literally meaning people-church, was officially used (Rasmussen 2011: 57).

⁷⁴ At this point there were no elected bodies with opinion-making or decision-making competences at any level of the Folkekirke organization, see J. C. Christensen's reforms below.

A private group of church leaders and political intellectuals called 'The Twelve' composed a new private proposal in 1856, where some of the most important members were overlapping from the former committee. The result was quite similar to the former committee's majority proposal, but firstly the church council members were now to be elected by districts. Secondly, the council also was imagined to hold a right to be consulted in matters of administration.

In 1859 Monrad composed a new official proposal, this time a church constitution within which elected councils at local (parishes), regional (deaneries) and highest, national levels were to be established. The latter national church council had the right to be consulted and give consent to regulation by most royal decrees, and a general access to comment on government policies related to the church. This was criticized for granting too much influence to lay people (by the Conservatives), or too little (by the Grundvigians).

Seven years after the last proposal dissolved in disagreement within church circles, Prime Minister Christian Emil Krag-Juel-Vind-Frijs appointed a church committee of 23 members in 1868. A majority of committee members proposed a church council divided by mainly lay persons and the clergy, with fewer bishops and theological and legal experts added. But due to change of minister seats, no legislative proposal was introduced as Hall again became the Minister of Educational and Ecclesiastical Affairs.

An actual Church Council was administratively appointed in 1883 by Minister of Educational and Ecclesiastical Affairs Jacob Scavenius, which functioned as an advisory body to the minister until it was abolished by royal decree in 1901 by the Minister of Educational and Ecclesiastical, Jens Christian

Christensen (since it was never established by law). However, two years later Christensen instead introduced local parish councils and a national church committee for a 6 year test period from 1903. While the parish councils were written permanently into law in 1912 and are in existence today, the church committee despite having functioned almost as a church council was never made permanent.

Finally, in 1928 the last church committee to be appointed was proposed by the Minister of Ecclesiastical Affairs Fritz Charles Bruun-Rasmussen. Though parliament saw a sufficient majority to approve the committee, they were deeply divided on the issue. The committee presented its recommendations twelve years later in 1940, but it itself was deeply divided and had only minority recommendations. The largest minority (10 out of 26) recommended establishing an elected church council with a right to be consulted and a requirement of consent in internal matters (4 additional members supported the motion without the requirement of consent). Besides the deep division in the committee, the Second World War in addition contributed to a legislative proposal that was never to be passed.

Thus, we saw four committees appointed (1853, 1868, 1903, and 1928), some central 'private' proposals (Monrad's of 1848 and 1859, The Twelve's of 1856) and a de facto church council between 1883-1901. For the next 72 years until the 2012 church committee was appointed, there was no further official attempts to settle the question of church governance and administration at a national level regulated by one common law.

Reading the recommendations from 1848 to 1940 which all attempted to realize article 66 in the constitution (establishing one coherent law regulating the Folkekirke), some common themes emerge. From the start, and as was

mentioned in the debates of the founding constitutional assembly, there has been an idea of creating a coherent body of legislation for the Folkekirke, a constitution. Second, as the new ideas of freedom rights were codified and implemented in the constitution, it was expected that the new Folkekirke would see reforms both internally and externally to bring it up to date. Third, a central premise of such a law would be that the church itself should have some degree of self-determination in the form of councils, in particular at local and national level. Fourth, these councils were to be predominantly elected councils and not purely appointed. Fifth, the composition of these councils were to be mix of both laypersons and representatives from the clergy. And finally, legislation regulating the church was to be held by the parliament, but with some form of institutionalized right to be consulted by the church councils. As we shall see, all of these elements are to some degree present in the current reform efforts.

6.2.2. Recent developments leading up to 2011

As we saw in the last section, there have been serious attempts to systematically settle the relationship between the Folkekirke and the state several times, especially in the second half of the 19th century. Arguably the current 2012 committee work finds its roots in these events, but not at least in policy developments of the last several decades. Before we arrive at the present time, I find it important to observe the most important points of these decades.

From the municipal reforms in 1970 we saw a general movement in public administration towards rule simplification and decentralization, which for the Folkekirke meant the start of a transfer of decision-making competences particularly regarding church property from the Ministry to the level of dioceses (Law no. 260, 4 June 1970). This tendency continued through the 1980's (e.g.

Law no. 268, 22 May 1986) up until the 1990's (e.g. consolidated act no. 454, 11 June 1992). The 1990's also saw rule simplification in other areas such as those regulating employment of pastors and the role of local parishes in this. This range of structural reforms was both about efficiency and modernizing, but also about making clear what the state funds and what it does not.

As such, some of the same problems of the early attempts to settle the arrangement of the Folkekirke was re-experienced, but from an ad hoc and piecemeal approach. As one ministerial committee report evaluating the mentioned reforms, in addition to the Folkekirke economy published in 1982 stated 'The Folkekirke performs a range a tasks which technically is not related to the church but which are conducted by the Folkekirke for the whole society to enjoy... It is thus a fact that the Folkekirke relieve society of a significant sum through the conduct of these functions' (Report 952 as quoted in Folketinget, 2003). The new reforms were about identifying which functions the Folkekirke administered on behalf of the state, and thereby to evoke greater trustworthiness in the arrangement of the state funding civil services delivered by the church.

These reform laws were part of the material discussed in the ministerial Simplification Committee's report no. 1405, published in two parts during 2000-2001. The first part of report 1405 dealt with the need 'to simplify laws and bureaucracy' but also to 'create a better foundation of information on the economy of the Folkekirke, in order to engage in or prevent criticism', as the government's mandate to the committee stated (Kirkeministeriet, 2000: sec.

1.2.).⁷⁵ In the report it was stated that the last 10-15 years represented an almost total reformulation of church laws to 'modernize and simply' form and content, and to decentralize. However, the committee also reported a need for less bureaucracy and greater local participation in decision-making (Simplification Committee, 2000: sec. 1.1).

The Simplification Committee was appointed in 1999 by the then Minister of Ecclesiastical Affairs, Magrethe Vestager (RV). In an address following its first publication she stated at the National Association of Parish Councils that '...in recent years there has been much debate around the Folkekirke on the need for

⁷⁵ Criticism in this case might have referred to the debate sparked by the increasing sense of dissatisfaction with the stance of the Folkekirke in civil society and in relation to the state; see e.g. the influential anthology of leading theologians called *The Mouth and Voice of the Church* [*Kirkens Mund og Mæle*'], see Auken et al. (eds., 1992). There has been a steady flow of publications debating the Folkekirke – to mention but a few important since: *The Folkekirke Arrangement From a Theological Perspective* [*Folkekirkeordningen teologisk belyst*'], see Kirkeligt Samfund, 1992; a theme issue in the journal *Kritisk Forum for praktisk teologi* called *God, King and Country* [*Gud, konge og fædreland*'], see Kjems and Bundgaard-Nielsen, 2001; *Shut Down the Folkekirke – The Ambulant Deathbed* [*Nedlæg Folkekirken – Et oppegående dødsleje*'], see Bjerg and Steffensen, 2003; *Folkekirke? The Church in the Danish Society* [*Folkekirke? Kirken i det danske samfund*'], see Lindhardt, 2005; *God Save Denmark. Confronting the Secularism* [*Gud bevare Danmark. Et opgør med sekularisme*'], see Bjerager, 2006; *Anthology of Ecclesiastical Law: The Folkekirke deciding for itself* [*Folkekirken selv*'], see Christensen et al (eds.), 2007; and *Church Constitution* [*Kirkeforfatning*'], see Andersen et al. (eds.), 2012; and the ongoing debate in the monthly Grundtvigian journal *Danish Church Tidings* [*Dansk Kirketidende*'], the Inner Mission weekly *Inner Mission Tidings* [*Indre Missions Tidende*'] and the national conservative and anti-modernist *Turn of Times* [*Tidehverv*'], along with the national newspaper *Christian Daily* [*Kristeligt Dagblad*'].

partially new structures and a need for new life and activities in the churches. We are approaching a time, where a lot of these debates will end up in decisions of changes' (Vesstager as quoted by Vincents, 2000). Here, we saw an emerging ministerial attention to reforms more comprehensive than the earlier ad hoc economic and structural changes.

To be sure, the succeeding Minister of Ecclesiastical Affairs in the same government, Johannes Lebech (RV), reiterated this message at the annual meeting of the National Association of Parish Councils two years later. 'I can't help provoke by asking, has the time come where we must work intensely on changing the apparently unchangeable structure of the Folkekirke? Has the time come, where we erase some of the centuries old boundaries and possibly end up unite the existing parishes and churches to e.g. 500 larger parishes?' (Lebech, 2001). He later asked the Simplification Committee to look into this, which was never realized in their final report, possibly as the appointed committee was '... too narrow a forum to discuss final recommendations of such matter.' As bishop Søren Lodberg Hvas noted (Hvas quoted in Sørensen, 2001).

Some weeks before Lebech's suggestion, the same Hvas had proposed that a ministerial commission dedicated to discuss the overall structure of the Folkekirke in order to improve the internal democracy should be appointed (Hvas, 2001). However Lebech rejected this on the grounds that such a discussion should not be taken in a committee as 'the association of parish councils has expressed concern for a structure commission... and I do not have political support for such a thing...' (Lebech quoted in Sørensen 2001).

While no commission or committee was appointed, a smoldering debate on the overall structure had nevertheless been revitalized within church and

political circles. This was significantly noted after the decision in Sweden to strongly relax the link between the established church and the state in 2000.

With the new center-right government in place in 2001, the debate not only questioned how state funding and organizational reforms were best conducted, but a related debate was raised concerning who holds the right to govern the *internal affairs* of the Folkekirke? The question was especially accentuated after the newly elected Minister of Ecclesiastical Affairs Tove Fergo (V), announced that a long-planned new edition of the officially authorized hymnbook of 1953 would be stopped (a ministerial committee had been working on a proposal for years), as she did not see a need for a new edition. The debate came to center around on the one side whether the minister could and should stop such work related to internal affairs, and on the other side whether the bishops (who led the hymn book work) were editing the new edition without appropriately consulting the local parishes (Iversen, 2008: 153-157). As bishop Hvas concluded 'this whole process exposed quite different opinions of who decide in matters of the Folkekirke's internal affairs' (Hvas quoted by Havmand, 2002). Nevertheless, the case isolated the minister politically and provoked requests from the Social Democrats, The Christian People's Party and Radikale Venstre on imposing restrictions to state regulation of the church. 'Normally I have been reluctant in the discussion, but my opinion has changed after Tove Fergo. We have seen a conflict of positions between the minister and the representatives of the church, which is not appropriate in normal procedures. She has simply broken the respect for written and unwritten rules' as the spokesperson for RV, Niels Helveg Petersen stated (Petersen as quoted in Madsen, 2003). Jan Sjørnsen from Christian People's Party specified 'After the new government came to power it has been even more urgent with a clearer distribution of competences between state and church, because Minister of Ecclesiastical Affairs Tove Fergo

simply interfere too much in the internal affairs of the church' (Sjursen as quoted in Madsen, 2003). Fergo ended up accepting the revision of the hymnbook after substantial criticism from the media.

As has been argued elsewhere (e.g. Selskab for Kirkeret, 2012: 161-163), this case contributed to a concern that there was a gradual shift in the use of state intervention in Folkekirken's internal affairs. Besides the Marriage Act exposing the unsettled aspects of legal competences, another recent illustration of such a fear concerned the abolishing of the public holiday, General Prayer Day, as a part of the tripartite talks between the unions, the employers' organizations and the government in 2012. The talks concerned the need to increase competitiveness and productivity, and taking out just this day was estimated to be a revenue-raising exercise worth at least 2 billion kroners for the state (Damgaard, 2012). The question of religious feasts and holidays are normally considered a matter of the internal affairs, but preliminary tripartite talks had not consulted the Folkekirke or its organizations before proposing the reform initiatives. And again (besides practical complaints that parents need the day off to prepare their children's confirmation celebrations), the respect of internal affairs was a prevalent argument. As bishop Peter Fischer-Møller objected in the public debate '...the question of the General Prayer Day is a case which is not without importance to the church... Therefore the labor market parties and the government should consult the relevant actors of the church before potentially making any agreements' (Fischer-Møller as quoted in Politiken, 2012).

Both the hymnbook and the holiday case resulted in a public debate critical of the government proposals and therefore it did not go through. In both cases, the debate was as much about the original political arguments (the appropriateness of a new hymnbook and competitiveness versus holidays) as a

discussion of the limits of state interference in church affairs. From this perspective, the same-sex marriage case followed the same path. It started with a concern for non-discrimination of sexual orientation in respect to state recognition of legal living arrangements. But as we saw in the previous chapter, the government managed to get the amended marriage act passed, even though the debate also shifted to the fundamental question of limits to state intervention in the Folkekirke's internal affairs. When the former Minister of Ecclesiastical Affairs, Per Stig Møller attended the annual meeting of the National Association of Parishes in 2011 he too stressed that the whole legislative process of the parliament legislating on behalf of the church (about same-sex marriage) exposed a weakness in the arrangement of the Folkekirke, as it does not have a church council to decide in such matters. At this meeting he explicitly encouraged the Folkekirke to start thinking about making a church constitution proposed by parishes and pastors (Kirkeministeriet, 2011a).

Thus, when the new center-left government took office in 2011, the idea of trying to arrange the relationship between the state and church at a general and more principled level was not a new one. If we look further into the period of the center-right governments between 2001-2011, there was a still stronger will to reform the Folkekirke arrangement. Additionally at the same time, we saw a reluctance to open up this discussion by the different ministers of ecclesiastical affairs.

As such, Fergo sustained Lebech's refusal to appoint a structure commission despite the wishes from both the bishops and the National Association of Parish Councils (Vincent, 2005). The succeeding Minister of Ecclesiastical Affairs, Bertal Haarder (V), also adapted this political course. 'First of all we have a municipal reform which means that denary boundaries are to be changed. Therefore I appoint a committee [...] It might be that in the wake of the

committee's work a few adjustments will be made, but I do not support the big and all-embracing solution' (Haarder quoted in Hornemann, 2005). The reform mentioned was concerned about economic and structural changes on a rather large scale, but it was more a clarification of competences than changes of them or in general pertaining to the church-state relationship (see Kirkeministeriet, 2006; and Kirkeministeriet, 2007). The purpose appeared to be a 'modernization' of the structure and administration to prepare the church '...to work on giving its members more church for the same money. Or even better, more church for less money...' as the minister proclaimed (Haarder, 2007).

The next minister on the post, Birthe Rønn Hornbech (V), also affirmed the political agenda of ad hoc-reforms without large-scale changes. In her period in office two further initiatives was taken in the direction of structural reforms, which were both important steps towards the current 2012 committee's work, which is worth mentioning.

The first was a ministerial committee appointed in 2008 to look into changing state grants from financing specific entries in the budget (such as 40 percent of pastor wages or all of their retirement pensions etc.), to a block grant possibly administered by a democratically elected budget reference group on behalf of the Common Fund, which resulted in report 1511 (Kirkeministeriet, 2009).

It was not the first time such a proposal for changing the economic support of the state to the Folkekirke was introduced, nor was the motivation behind it new. Four times previously this has occurred in modern times, where there had

been proposals and discussions about block grants.⁷⁶ The first proposal in 1991 by SF was inspired by then bishop Herluf Eriksen's ideas. He argued that it would be easier to justify the Danish state funding the church if the funding was directed not to pastor wages, but to the services the Folkekirke delivers on behalf of the state (i.e. maintenance of cultural heritage, funeral service and cemeteries, marriages, civil registration, and cultural activities, see also Kirkeministeriet, 2009: 45-62). Otherwise, it would look too much like a secular state funding religious activities of only one religious community, and only funding purely state functions. If reformed, the church could also decide on its own affairs regarding hiring pastors, allocation of funds to new church initiatives etc. (as cited by the parliamentary Church committee in Folketinget, 2003).

What was characteristic about the succeeding variations of the block grant reform proposals was that they had all been motivated by roughly the same concern: a clarification of economic state-church arrangements and further self-determination to the church in core church functions. At the same time, these proposals met criticism. Firstly, it was conceived that such reforms might function as a preparation for a full divorce between the state and the church. As Birthe Rønn Hornbech argued in the parliamentary debate of the first block

⁷⁶ There were three parliamentary motions all referred to the parliamentary church committee after the first parliamentary negotiation; see B 57 by SF (Folketinget, 1991), B 80 and B 115 by the Christian People's Party (Folketinget, 2000; and Folketinget, 2003). Later in 2003, a ministerial committee was similarly appointed to compose different models for block grants (cf. Kirkeministeriet, 2003), but was rejected by the minister after negative consultation views.

grant proposal: ‘...to make such a clear distinction between state and church affairs as the proposers does, is, according to Venstre, in violation with article 4 in the constitution, which as we all know establish a special obligation of the state towards the Danish Folkekirke as an Evangelical Lutheran church’ (Hornbech as quoted in Kirkeministeriet, 2003: 42). Secondly, transferring the authority as employer for the pastors from the state to the church would potentially threaten pastor’s theological freedom. As Karen J. Klint (S) argued in the 2000 parliamentary debate, status quo: ‘...makes us certain that we have free preaching because we have a Folkekirke’ (Kirkeministeriet, 2003: 44). If a secular state formally hires the pastors then no theological pressure would be put on them, unless they stepped aside the Articles of Faith. Finally, there was a concern for economic and structural reforms as having hidden budget reductions, which both the proposers and their opposition were against (Kirkeministeriet, 2003: 42).

All former proposals had been rejected and so was the 2009 report, in which all committee members representing the Folkekirke (the bishops, deans, pastors and parish councils) rejected block grants in general (Kirkeministeriet, 2009: 31). Furthermore, in the following consultation process there was an overwhelming negative response (see the consultation minute, Kirkeministeriet, 2010b). As a conclusion to these (dismissive) recommendations the Minister of Ecclesiastical Affairs, Birthe Rønn Hornbech made it public at a summit meeting for Folkekirke leaders shortly after. ‘The message is clear and neither Venstre, the Conservative People’s Party nor the Danish People’s Party wants this. This, I have told the Finance Minister’ Hornbech quoted in Vincents, 2010).

In these string of block grant reforms proposals, we saw the same pattern as mentioned before. The discussion of an administrative or organizational

reform turned into a discussion of protecting the Folkekirke and its relation to the state.

This pattern was also present in the second ministerial initiative under Hornbech, which regarded the permanent implementation of diocese councils in 2009 (see Lov nr. 506, 2009). This was a significant reform as it established a third, and as yet highest level of elected councils in the Folkekirke organization (the other two being local parish councils and deanery councils). The policy was motivated by ‘...a wish from the bishops to contribute to a democratization of the statutory diocese committees regarding economy... by granting a decision-making mandate as this would be good for the Folkekirke democracy.’⁷⁷ While the final 2009 proposal did not meet substantial resistance from the Folkekirke organizations in general (see the consultation minute, Kirkeministeriet, 2008a) or at the political level (the proposal to make the councils permanent was unanimously agreed upon in parliament, see Folketinget, 2009a), some criticism was aired. It came especially from the Social Democrats and the Danish People's Party, arguing that the legislative proposal represented too little or too much top-down governance. The spokesperson from the former party Karen J. Klint, complained that ‘I am seriously tired of this kind of bit-by-bit legislation instead of looking at a holistic solution for the Folkekirke. I would much rather see a discussion of how we arrange the economy and leadership of the Folkekirke in the future’ (Klint as quoted in Vincents, 2009; a view also supported by SF and RV, see Folketinget, 2009a: 1st neg. contrib. 8 and 36). This contrasted with the

⁷⁷ The diocese councils were introduced in 2002 in a test period, evaluated in 2007-2008 (see report 1495, Kirkeministeriet, 2008b) and then made permanent in 2009 by law.

objection from the latter party, where the MP Søren Krarup noted 'I am really not doubting the good intentions. I only wish to warn against this belief that we should help the Folkekirke... I know of nothing more dangerous than this helping-the-church; helping the slightly backward people in the local parishes, because it means that common people become declared incapable of managing one's own affairs....' (Folketinget, 2009a: 1st neg. contrib. 24). In these two quotes we recognize on the one hand a wish for more self-determination for the Folkekirke, and on the other hand a fear of too much top-down governance limiting the decentralized and free organization at the parish level and therefore threatening the close church-state relation.

Certainly, there have been more initiatives raised within the last decades than mentioned here, but I have selected the most important ones in order to render probable the tendency of an increasing sense of the need for certain reforms. These accommodate developments in demography, urbanization, and the religious composition of the population, at the same time when different ministers have wished to follow a gradual ad hoc approach to reforms. As we saw in chapter 4, the latter approach has arguably been the preferred political solution since 1849. However, if we look at the official position taken by the national political parties regarding the fundamental church-state relationship, the balance between these two positions is slowly shifting.

While The Conservative People's Party (see Det Konservative Folkeparti, 2014) and the Danish People's Party (see Dansk Folkeparti, 2002) are supporting a preservation of status quo of the institutional and legal arrangement, Venstre is open to some degree of modernization and clarification of the relation but only to maintain the church's special position in society (see Venstre, 2014b). In contrast, Enhedslisten (2014) and Radikale Venstre (2014), are parties officially supporting full separation of Folkekirke and state in order

to obtain further religious equality. Further, the Socialistisk Folkeparti, Liberal Alliance and the Social Democrats are explicitly supporting greater equality between religious communities, but maintain that it should still be within the constitutional framework, respecting some form of traditional establishment (see Socialistisk Folkeparti, 2014b; Socialdemokraterne, 2014; Liberal Alliance, 2014; Folketinget, 2009b and Schou, 2011). It has not been specified by any of the parties exactly how greater equality should be realized, but the ongoing process of reforming the church governance is an interesting place to better understand the development of these positions.

6.3. Analysis of the actual policy

As mentioned, the policy in case is the first governmental attempt to reform the church-state relationship as a whole in 72 years. In the coalition statement from 2011 we can read ‘The constitution assigns the Danish Folkekirke a special position. While observing the constitutional special position of the Folkekirke, the government wishes to arrange a more modern and clear governance structure for the Danish Folkekirke, cf. also article 66 in the constitution “The constitution of the Folkekirke is established by law”. The government will appoint a committee which shall provide proposals to a more coherent and modern governance structure for the Folkekirke with a clear distribution of responsibility for economic and substantive matters’ (Regeringen, 2011: 74).

In the spring of 2012 the newly elected minister of Ecclesiastical Affairs Manu Sareen (RV), held a conference on the future of the church including all branches of the church landscape to officially start the process described in the coalition statement (Ministeriet for Ligestilling og Kirke, 2012b). At the conference, it was discussed how to clarify the responsibilities for economy and

content in the Folkekirke, with the wider aim of ensuring a broad and inclusive church in the future (Ministeriet for Ligestilling og Kirke, 2012b). In September 2012, the 'Committee on a more coherent and modern governance of the Folkekirke' was established, with the support of all political parties (Ministeriet for Ligestilling og Kirke, 2012c). The committee's mandate was to consider if and how the promissory clause 66 in the constitution could be realized by creating 'a clear connection between different links in the governance structure, so to change the structure as necessary and possibly to complement it with one or several new democratic bodies, and to establish clear rules for the distribution of responsibility... especially in relation to the common economy of the Folkekirke and the substantial matters of the Folkekirke' (Kirkeministeriet, 2014a: 12). This agenda of the government and the work of the committee is to a large extent a response, or a continuation, of the considerations and developments described in the former section.

At the time of writing, this chapter the policy in question had not yet resulted in a concrete legislative proposal from the government to be discussed in parliament. According to the Ministry of Ecclesiastical Affairs the plan will be to compose a legislative proposal based on report 1544, as well as the consultations and the public debate, which will then enter political negotiations and possible revisions. Finally, the proposal will be sent via consultation in order to be proposed to parliament in the new parliamentary year, starting in October 2014 (Kirkeministeriet, 2014b). That is, if the government finds sufficient political backing.

When the unresolved policy is analyzed here, it is because a substantial amount of texts are already available to analyze the ideological language and the forms of decontestation of the policy. Especially I focus on the committee's report 1544 published in April 2014, which both contain a summary of the

committee's former discussion paper and the views, which the consultation process resulted in, along with the new recommendation by the members (see report 1544, Kirkeministeriet, 2014a). Also, of relevance is the views gathered in the consultation process of two months after report 1544, published in June 2014. Finally, I will draw upon the most central political statements in the public debate since the government's agenda was revealed in the coalition statement in 2011. Together with the historical references provided earlier in this chapter, I find the available empirical basis sufficient to perform a meaningful analysis of the ideological concepts of secularism and peoplehood in this policy. Let us now turn to the building blocks of the policy.

6.3.1. Having ears to the ground: Discussing the policy

In order to understand the concrete ideas and arguments surrounding the policy we will have to look into the more specific aspects of the committee work, and how they tried to accommodate the vision of the government and the many different interests of the Folkekirke landscape.

As mentioned, the initiative of the policy process was proposed in 2011 in the coalition statement and the subsequent appointment of the committee. As there has been a tradition of broad agreements in parliament regarding large changes in the Folkekirke, it was an important first step for Minister of Ecclesiastical Affairs Manu Sareen, to get all parties to support such a committee. 'I am incredibly happy that all of the parliamentary parties support the appointment of the committee, its assignments and its composition... I hope the committee will result in proposals which can find an equally broad support for a more modern structure of governance for the Folkekirke' (Sareen as quoted in Information, 2012).

Here we see that Sareen himself emphasized the composition of the 20person committee. It consisted of 11 members representing different organizations or elected bodies of the Folkekirke (also representing different theological groupings), 3 members including the chairman who are legal experts, 3 members who are state representatives (who generally abstain from voting on the concrete policy proposals) and 3 members who are politicians. The latter category does not represent the full spectrum of the parliament however, but only contains members from the three political parties officially in *opposition* to the policy: Venstre, the Danish People's and the Conservative People's Party. For example, the Venstre representative Britta Schall Holberg, stated the day the committee composition was made public '...I enter this work with a completely open mind. But at the same time I must admit, that I don't see a need for a church constitution' (Holberg as quoted in Clausen, 2012). From Sareen's above quote it appeared that he hoped to accommodate such future objections from these parties by including them in the committee, and thereby granting them a voice early in the process (on this point, see Clausen, 2012 or Rehling, 2012). As we shall see, the committee work did not convince the three politicians of the need for a church constitution in the final round of recommendation votes, and they pointed to much more minimalistic changes (see also Rehling, 2014a).

After a series of meetings, the committee presented a discussion paper to be sent in public consultation (Ministeriet for Ligestilling og Kirke, 2013a). The paper contained a brief description of the history, key functions and customary political regulation of the Folkekirke (Ministeriet for Ligestilling og Kirke, 2013a: 4-16; 27-30), but most importantly it contained three models of how to better govern the internal affairs and three main models of improved economic governance. Besides the option of no reform at all, the models ranged from

formalizing the status quo into law to ‘as much self-determination as possible’. The two pairs of models were supposed to be thought as parallel as possible in order to consider the same elected bodies to govern both functions, and thus potentially establishing some variation of a common national decision-making body (but also leave open the option not to merge the two areas) (Ministeriet for Ligestilling og Kirke, 2013a: 45).

Regarding the *internal affairs*, the discussion paper suggested three models. The first would entail no new administrative or decision-making bodies or change the state-church balance, but would limit the minister's influence by writing in law what is now customary practice (such as giving the bishops the right to be consulted before regulation, clearer rules of regulation etc.). The second model would entail some increased self-determination to the Folkekirke by establishing a Church Council consisting of representatives of lay members (elected by the parish councils), the clergy, and the ministry and church organizations. The Church Council would then have the right to be consulted along with the bishops and thereby participate in the decision-making process regarding internal affairs, regulated by royal decree. The third model would further increase the level of self-determination for the Folkekirke by granting the Church Council a right to be heard not only in matter of internal affairs, but also other broader Folkekirke matters now regulated by law (e.g. regulation of employment of pastors, their education etc.).

Second, the committee considered three main models regarding the *economic affairs*. Again, the first model did not entail any new bodies or change the state-church balance, but would formalize existing arrangements into law. These included the duty (currently only a custom) to consult the budget reference group (*'budgetfølgegruppen'*, the minister's advisory group representing Folkekirke interests) and the Folkekirke Common Fund's Joint

Council (*'budgetsamrådet'*). This model also contained the option to replace these two groups with one elected body representing the Folkekirke, and to make it mandatory for the minister to present the budget and church tax planning to the parliamentary Financial Committee in order to make the process more transparent. The second main model would establish a new representative, an elected body regarding budget and accounting planning. The idea would be either to have an elected body holding decision-making competences but within rules established by the minister (which can vary from narrow to fairly broad rules, model 2a), or that an elected body and the minister must reach consensus before the budget of the Common Fund is approved (with the minister holding the ultimate decision-making competence, model 2b). Finally, the third model would imply creating a governing body for economic affairs for the Folkekirke, with wide decision-making competences regarding both prioritizing and proposing budget and church taxes (which will then be presented to the minister for approval, who also maintains the right to deny such initiatives).

The three economic models also contained an option similar to the before mentioned block grants, either to change to a general grant to the Folkekirke's Common Fund or to continue the direct financial support e.g. 40 percent of pastor's and dean's salaries. Of course, the different models would have different ways to decide how this general state grant to the Folkekirke would be distributed.

The discussion paper is interesting compared to former decades of ad hoc reforms, as some of the models envisioned one or more bodies of governance at the highest level based on a coherent piece of legislation. This would potentially realize article 66 in the constitution promising a church constitution (models 2 and 3 regarding the internal affairs operated with a 'Church Council', see

Ministeriet for Ligestilling og Kirke, 2013a: 18-26, and model 2a, 2b and 3 regarding common economy operated with a 'Folkekirke Agency' or an 'Economic Administrative Board', see Ministeriet for Ligestilling og Kirke, 2013a: 33-44).⁷⁸ Thus in these proposals, the newly implemented 10 permanent elected diocese councils from 2009 would potentially no longer be the highest level of democratic governance in the Folkekirke organization.

However, it should also be noted that the committee's work was limited or conditioned on central indicators such as that the Folkekirke must be Evangelical Lutheran, must have close relations with the state, that it must be available all over Denmark, that it respect the freedom of pastors, common members and theological minority groupings, that the decentralized tradition of strong local parishes will stay unified into *one* church community and finally that democratic legitimacy of church governance is important (Ministeriet for Ligestilling og Kirke, 2013a: 6-14, which were strongly inspired by the earlier report 1511, see Kirkeministeriet, 2009: 63-72).

Together, these indicators created two main premises for the committee's work, besides emphasizing the importance of tradition and close connection to the state and peoplehood. First, no proposal could violate article 4 in the constitution, where committee's mandate stated 'In constitutional law and ecclesiastical law literature the term "support" in article 4 must be conceived broadly, that is, as an obligation for the state to give both financial and moral

⁷⁸ It should be noted that also model 1 for both internal affairs and economic governance could realize article 66 by establishing a legal foundation for future regulation based on status quo depending on how far the legislation goes, but just without a national level of governance bodies.

support to the Folkekirke' (Ministeriet for Ligestilling og Kirke, 2013a: 8). It was this principle of support which was the point of departure. Secondly, the customary practice of the minister regulating internal affairs by royal decree would *not* be challenged, '...because of the special character of the internal affairs the committee would like that the internal affairs continues to be regulated by royal decree or royal order instead of being regulated by law in parliament' (Kirkeministeriet, 2009: 17).

The committee would not break with the status of the Folkekirke as a public law entity and thus not grant it legislative autonomy, i.e. maintaining the parliament as the principled legislator and the minister as the *de facto* regulator (Kirkeministeriet, 2009: 15). For this reason, none of the models included the possibility to legally limit the right of the Minister of Ecclesiastical Affairs to regulate the internal affairs. Or even the more extensive possibility to hand over full decision-making competence to a national level synod, in both cases, making the legislator the regulator and not the minister representing the executive. Furthermore, both would still be possible within the constitutional framework of article 4 and 66. As such, even the most extensive committee models proposed did not take full advantage of the options technically possible within the constitution.⁷⁹

⁷⁹ This was also noted in some of the consultation views, e.g. the deanery council Vor Frue_Vesterbro: '...we cannot understand why, besides two models where the minister maintain his right to veto, the committee did not compose a model 4, where the Church Council would get the competence to recommend a proposal the minister would be obliged to act upon after negotiations...' (Ministeriet for Ligestilling og Kirke, 2013d: 3).

From the succeeding consultation views, it became clear that more than 85 percent of the views were in favor some kind of reform beyond status quo. Among these all the bishops and diocese councils, most deanery and parish councils along with church organizations (see the consultation minute at Ministeriet for Ligestilling og Kirke, 2013b). Of all of these, the question of internal affairs being governed by an elected body equally split the bishops and deanery councils, while most diocese councils and church organizations along with the national association of parish councils and the association of pastors supported a governing body. Regarding the economic governance, all bishops and diocese councils and most deanery councils supported an elected body rather than a governing body, with the national association of parish councils, the association of pastors and church organizations. Thus, there appeared to be a fairly wide support from the most central church actors for reform in the direction of a church constitution in some form or another.

From both the committee and the consultation views, one of the central arguments against establishing governing bodies was that the current arrangement is well-functioning. Also, that there are too few cases of internal affairs to meaningfully establish a body governing this, and that a council would be tempted to speak on behalf of the whole church community (see Ministeriet for Ligestilling og Kirke, 2013a: 23, 26, 40, 41 and 44; Kirkeministeriet, 2013: 8, or for example bishop Skovsgaard, in Ministeriet for Ligestilling og Kirke, 2013c: 7). In contrast, arguments in favor of elected governing bodies were that it was natural for the church to decide on its own affairs, that the democratic legitimacy behind church regulation in general would increase. Since politicians do not have the same knowledge of church matters as they used to, it is therefore important to let the church decide on its own matters (Ministeriet for Ligestilling og Kirke, 2013a: 23, 26, 40, 41 and 44; Kirkeministeriet, 2013: 5-6

and 8-9). For example, the association of pastors argued: ‘...the experience we got from the introduction of the marriage ritual of same-sex couples [...] created a great deal of confusion in the parishes, that the minister alone could decide that a ritual was to be made and that the bishops reacted so different as they did...’ (Association of pastors in Ministeriet for Ligestilling og Kirke, 2013e: 8).

6.3.2. Counting the votes and making recommendations

In spring the following year the committee published the 448 pages final report 1544 based on the discussion paper and the consultation process. Report 1544 contained a detailed description of the current arrangement of church organization, decision-making competences, the internal affairs and the economic structures. Along with this it also contained brief comparative descriptions of church-state relations in the Nordic countries, Germany and the United Kingdom. Further, it contained a minute on the above-mentioned preparatory committee discussion, a restatement of the central indicators of the foundation for the committee's work, and most importantly it contained legislative proposals by the majority of committee members, and minority proposals representing the opposition politicians in the committee.

In the following I will briefly touch upon the restatement of the indicators and then move onto the recommendations, which in combination with the surrounding public debate help expose the political thinking for and against the government's policy.

Let us therefore first turn to the central indicators. In comparison to report 1511 and the 2003 discussion paper, one new independent indicator was added in report 1544 under the title *The Folkekirke and the People*: ‘The importance of the Folkekirke for the cohesion of the people [*sammenhængskraften*] is among

other things reflected in the use of the Folkekirke as a site of gathering for all Danes regardless of religious affiliation at the celebration of official events like the church service before the opening of the parliament and in church services celebrating flag days or memorial days important to all of the population' (Kirkeministeriet, 2014a: 153). In this connection, according to the committee report the general aim of the Folkekirke is to 'preach the Gospel of Christ as the savior of the world (with reference to article 4 in the constitution), and to be a community of equal responsibility for all baptized Danes in cooperation with the clergy... which is probably why a great majority of the population is part of the Folkekirke. Therefore, it is a culture-bearing factor contributing to national cohesion [*'folkelig sammenhæng'*] and an interpretation of the meaning of life for the individual human being and the Danish society' (Kirkeministeriet, 2014a: 151).

While the report does note that the Folkekirke is not the only contributor of religion-based preaching and thinking to the Danes (Kirkeministeriet, 2014a: 152), we still see a rather strong particularistic theme in the story of a people, which emphasizes an ancient source of worth and tradition. Consider formulations in the report like: 'Christianity has had a great importance for the Danish people and the development of the Danish society for more than a 1000 years' Kirkeministeriet, 2014a: 151. The Folkekirke thus is perceived to have an active function of creating cohesion and common trust in the people. With this newly added central indicator, the committee stressed that any reform of the state-church arrangement should consider this deep, cultural anchoring in Danish peoplehood, suggesting that too drastic reforms might thus have negative effects on the cohesion and unity of the Danish people. 'The committee believes that potential changes in the governance of the Folkekirke must be

evaluated in the light of... the Folkekirke as an Evangelical Lutheran church and the seven main indicators' (Kirkeministeriet, 2014a: 149).

In particular three members of the committee made their final recommendations in the report pointing to few changes, with reference not only to the religious function of the church but also to the Folkekirke's importance for society in general. They represented the three political parties not in favor of further church independence, but in various degrees in favor of the continuation of status quo in church-state relations.

The Danish People's Party's representative Jesper Langballe, passed away just before the report was published but he represented the most conservative position amongst the committee members. He wanted the current arrangement to continue unchanged both in economical and internal affairs (Kirkeministeriet, 2014a: 17). In a debate article published on the day of the first committee meeting, he warned against making the church independent and especially establishing governing bodies 'granting the Folkekirke a mouth and a voice [*'mund og mæle'*] – that is, besides preaching the Gospel in churches each Sunday... [the Folkekirke] will have an authoritative message on foreign policy, abortion and all sorts of political issues. The Folkekirke will quickly become totally politicized' (Langballe, 2013). He argued that the current church-state arrangement was the best and the most free in the world. 'Thus it has been for 163 years and thereby it is Grundtvig's interpretation of the constitution which won the discussion' (Langballe, 2013). Having read the majority recommendations after the 1544 publication, Langballe's son and a leading MP of the same party and a pastor, Christian Langballe, stated in a national newspaper '...this is the most radical change since the Reformation, because they are determined to introduce a Church Council at all costs [*'med djævlens vold og magt'*] to speak on behalf of the Folkekirke' (Langballe, 2014).

Regarding the *internal affairs*, the two other opposition party representatives, the Conservative People's Party, Charlotte Dyremose, and Venstre's Britta Schall Holberg followed this line of reasoning. They did not wish a Church Council with competences in both economic and internal affairs, but rather followed the line of model 1 from the discussion paper to a large extent. It would be a formalization of current affairs into law, in order to make it more clear and legitimate. The current arrangement made clearer would best ensure that no one speaks on behalf of the church, ensure tolerance towards theological differences and ensure freedom (Kirkeministeriet, 2014a: 191-192, 198-203, 231-233).

In the beginning of the committee's work in 2012, this position was also backed by the chairman of the Conservative People's Party, Lars Barfoed who was afraid that the committee's work would result in the separation of church and state. 'Instead of drowning the Folkekirke in lengthy debates about organization and bricks with a risk of splitting it up into atoms we should use our energy on discussing how we best can get the Christian Gospel into our everyday.... That society rests on Luther's thoughts means that we as human beings have a fundamental freedom. Through centuries these thoughts have influenced the Danish people to understand that they are all in the same boat and have to be forgiving of each other. Therefore fanaticism, holiness and arrogance is un-Danish' (Barfoed, 2012). It is interesting that the argument of freedom for the church spills over to the question of freedom for the people, that this discourse appears to premise the sociological connection between Folkekirke members and the Danish population. This argument was also apparent in Venstre's former Minister of Ecclesiastical Affairs Birthe Rønn Hornbech, who also wrote in a debate article 'When I am such a bitter opponent to a central church council it is because such a council for certain would crush

the wide spiritual freedom [*åndsfrihed*] which is the distinguished characteristic of the Folkekirke and which is the salt of life for all spiritual freedom in the society of Denmark...When the anti-totalitarian and anti-authoritarian Grundtvig ...ended up accepting the arrangement with Rigdagen as the supreme council for church legislation it was because he knew that a church council would limit the spiritual freedom' (Hornbech, 2013).

Perhaps the most significant change from status quo proposed by Dyremose and Holberg in current arrangements would be a rather comprehensive negative limitation on the minister's influence, that any comprehensive changes in internal affairs would need to have at least 8 out of 10 bishops agreeing in order to be implemented (Kirkeministeriet, 2014a: 360). In an interview Holberg later explained 'It cannot be repeated what we saw with the church ritual for the homosexual couples. It was unclear who should decide what. I would rather see that the bishops are granted the right to recommend initiatives to the minister' (Holberg as quoted in Rehling, 2014c).

Further regarding the *economic dimension*, together with two representatives from the association of pastors, Dyremose and Holberg argued for the continuation of the current state grant system e.g. of direct support to pastor salaries with reference to the recommendations in the earlier report 1511 (see above). As in report 1511, the arguments were based on the fact that changing the system would open up the potential for budget reductions, that the state has a commitment to support the Evangelical Lutheran community, and that there should be a close relation between the state and the Folkekirke because the '...pastors of the Folkekirke performs a comprehensive amount of work reaching well beyond preaching and servicing the members of the Folkekirke... for example as mediators of the cultural cohesion in society' (Kirkeministeriet, 2014a:192).

When it came to the governance of the economic affairs, Dyremose and Holberg differed. While Dyremose aimed for the most conservative reform (the legislative formalization of the current practice, the model 1, see Kirkeministeriet, 2014a: 283-300), Holberg argued for an Economic Committee of the Folkekirke with similar competences as the one imagined by the majority, but without block grant (see Kirkeministeriet, 2014a: 301-334).

Indeed, after Report 1544 the three opposition parties all stated that while further clarifying legislation might be necessary, they would not support in parliament any model resulting in a general governing body for the Folkekirke for both internal and economic affairs (Vincent et al, 2014; see also Rehling, 2014a and Venstre, 2014b). Of course, this would pose a problem if the position of the former minister Sareen before the committee started still applied. 'It is enormously important to have all parties with us. It is not my church, but the church of the whole people, so we must have a broad political support' (Sareen as quoted in Clausen, 2012)

Now, turning to the majority of committee members, 13 out of 17 recommended the establishing of a general governing body on behalf of the Folkekirke as a community vis-à-vis the state.⁸⁰ It was a solution combining model 2 regarding internal affairs and model 2a regarding economic governance in the same governing body, in addition to change over to a block grant arrangement (the latter only 11 out of 17 supported). This would entail establishing a Bishop Collective and a Folkekirke Common Committee

⁸⁰ The committee members counted 20 in total, but the three state representatives abstained from voting.

[*folkekirkens fællesudvalg*], giving these two elected bodies decision-making competences in economic matters and the right to be part of (but not independently hold), competence in decisions on internal affairs (Kirkeministeriet, 2014a: 229). Specifically the Folkekirke Common Committee, which would have a majority of lay persons, would hold the competence to decide on church taxes, budget and accounting *within* the rules determined by the minister, in addition to have a right to be consulted in internal affairs. Regarding the latter, only if a statutory majority of 2/3 in the Bishop Collective and an ordinary majority in the Folkekirke Common Committee both agreed, they can recommend to the minister a new initiative (e.g. new regulation, appointment of committees, consultations etc.). The minister would still hold the right to deny such recommendations and he could take initiative himself, but only after consulting the two new elected governance bodies. Thus, two new laws would technically realize article 66 of the constitution: one on economic governance (establishing the Folkekirke Common Committee), and one on internal affairs (establishing the Bishop Collective) which together would make custom practice into statutory form (Kirkeministeriet, 2014a: section 10.1 and 10.4).

In the light of what I in chapter 2 has suggested as a Danish tradition of modest establishment, it is interesting to notice the approach taken in the majority proposal. In the explanatory memorandum to their legislative proposals, they note that they do not wish to change the existing balance between church and state based on current law which ‘... traditionally does not distinguish between the internal and external affairs of the Folkekirke.... The internal affairs does not escape the competence of the legislator’ (Kirkeministeriet, 2014a: 339; see also 351). However, the proposal would make rules of how to regulate the internal affairs: ‘...in this way the proposal thus

merely give statutory form to the demarcation of the internal affairs according to common practice' (Kirkeministeriet, 2014a: 347). While confirming the Folkekirke as essentially a public law entity by regulation retaining the minister's competence by royal decree, they would impose certain parameters for this tradition and a formalized right to consultation of the bishops and the Folkekirke Common Committee.

The remaining minority committee member, who decided not to vote for any of the legislative proposals, was legal scholar Lisbet Christoffersen. She noted in her own minority recommendation that there is an important issue to be solved in defining the competences of the minister regarding internal affairs. Christoffersen noted that the current arrangement is compliant with the European Convention on Human Rights regarding internal affairs (see Folketinget, 2014: article 9 ratified by Denmark in 1953 and fully incorporated in Danish law in 1992, see Lov nr. 285, 1992). However, she also argued that the compliance only exists as long as the majority of Folkekirke bishops and broad circles in the Folkekirke in general support the minister's initiatives. As she wrote, it is necessary to '...determine clear procedure rules to continuously make clear when a regulation of internal affairs is done in favor of the Folkekirke, and when it can be determined that a regulation constitute a limitation of the religious freedom of the Folkekirke, which in that case self-evidently can and must be grounded in relevant considerations (necessity, proportionality, the concern of other people's freedom or rights etc.)' (Kirkeministeriet, 2014a: 235). Christoffersen thus recommended a model in between the two former, in which the minister's competences regarding internal affairs would be negatively limited by a statutory majority of the bishops (possibly checking this power of the bishops by granting the Common Committee a consultation right) (Kirkeministeriet, 2014a: 236).

After report 1544 was published, the newly elected Minister of Ecclesiastical Affairs, Marianne Jelved (RV) together with the government supported the majority recommendation to ‘... limit the possibilities of a potential regulation-officious Minister of Ecclesiastical Affairs to make decisions forced upon the members of the Folkekirke’ (Jelved, 2014b). At the same time she tried to counter criticism directed by the minority representatives of the committee, by stressing the majority recommendation would not limit the local autonomy and freedom for parishes and pastors, or that the Bishop Collective and Folkekirke Common Committee would start speaking on the church's behalf of political issues (Jelved, 2014b). Besides the government endorsement, the majority recommendation got support from SF and LA. SF's spokesperson Pernille Vigsø Bagge stated ‘It is a very important step now taken with the committee's recommendations, and it is good that the Folkekirke itself will be able to decide on both economy and internal religious affairs. But really, we would like to see a further dismantling of the Minister of Ecclesiastical Affairs power’ (Bagge as quoted in Nielsen, 2014). Also Liberal Alliance's spokesperson of ecclesiastical affairs Mette Bock supported the majority recommendations. ‘We're now in a situation where we can carry through a reform on an enlightened and thoroughly discussed basis, which indeed holds the promise of real decentralization. Church and state should not be separated, but the church should to a larger extend be of the people and not of the politicians or government officials’ (Bock, 2014).

In these views supporting the government's policy we see a conception of the reform as ensuring higher degrees of corporate freedom, especially to further self-determination of economic affairs and to some extent to internal affairs. It is not necessarily challenging the particularistic notion of Danish peoplehood as affirmed by an Evangelical Lutheran community, but rather

challenge the lack of freedom for the Folkekirke. As Langballe and Hornbech evoked Grundtvig as the father of the freedom tradition protected by the current church-state arrangement (along with many other MP's from V, DF and KF), so did the proponent for the policy. For example, Jelved noted in an address at the annual meeting of the National Association of Parish Council in 2014 that both society and the Folkekirke must be governed to respect freedom. 'Grundtvig's philosophy was that we must have freedom to take responsibility.... This is the whole philosophy behind the values which created the Danish society through associating, co-operative movement, the Danish model, the wind power industry success etc. It all builds on personal freedom, equal worth and committing communities' (Jelved, 2014a). In this quote we actually see all three of Smith's themes: economic, political and ethical, in order to evoke a story of Danish peoplehood.

As mentioned in the beginning of this chapter the government currently evaluates Report 1544 and the subsequent debate and consultation at the time of writing, in order for Minister Jelved and the government to decide whether a legislative proposal should be composed. Regarding the consultation process of Report 1544 it first of all did not present many new arguments for or against the reform models, though concrete models were discussed. Secondly, reorientating state grants to block grants in general did not find support, but so did the majority recommendation regarding establishing the Folkekirke Common Committee and the Bishop Collective. Establishing how substantial the general support for the majority recommendations were is perhaps up for discussion, since between 33-38 percent of all view were positive therefore suggesting fairly divided opinions within the Folkekirke. On the one hand, while the 33-38 percent represented the single largest group they were still far from merely a simple majority. Whilst on the other hand all the major actors such as a majority

of bishops, diocese, deanery and parish councils along with most major church associations and church-political groupings⁸¹ officially supported the two new governing bodies as recommended by the majority.

In general, none of the committee members were fully against any legislation clarifying some aspects of the church-state arrangement, and also between 52-59 percent of the consultation views saw a need for some further regulation by law. However, there might still be a long way to go for the policy to be realized. Whatever the case it would certainly not be the first time disagreement or more urgent political questions for the parliament functioned as the rock on which a legislative proposal to realize article 66 in the constitution was wrecked.

6.4. Concluding remarks: New reforms and old ideas

Based on the above analysis I will now conclude this chapter by identifying three main themes of political thinking in this policy area.

First and most obvious, we have the question of realizing the promissory clause in article 66 in the constitution: the church constitution. This theme contains the struggle over an understanding of the church either as an independent body vis-à-vis the state, or rather as a public law entity. As we saw, this struggle over meaning was to a large extent based on a concern for making

⁸¹ The church-political groupings are organizing many Folkekirke members, especially in parish councils, similar to political parties. The major groupings are the 'left-wing' Grundvigians, the 'right-wing' Indre Mission and 'center' Kirkeligt Centrum, along with other 'right-wing' grouping such as Luthersk Missionsforening, and Tidehverv. See e.g. Schwarz Lausten, 2004: 248-268.

the church speak with one voice (realizing its right to exercise corporate freedom by itself), or to keep it fully decentralized (maintaining the tradition of spiritual freedom within the Folkekirke and thus in society as a whole). Secondly, we saw the question of how to best distinguish between the Folkekirke and the state. In particular, this question came to center around the concern of whether internal affairs should be considered subject to the secular legislator's competence (which it currently is, but limited by customary practice of regulatory restraint) or whether it should be limited to a certain degree or even made self-governed. Finally and as an indirect result of the two above discussions, we saw the more general question of the proper place of religion in relation to the state. This discussion concerned especially the evocation of Danish peoplehood as linked to the faith of the Folkekirke as a community. Thus, reform discussions concerned not only the level of democratic legitimacy, budgetary transparency or minority tolerance/protection but also how the consequences for the general political community would be in terms of ethical coherence, fundamental values and cultural worth.

In the policy debate established so far, we have seen a concern for distinguishing between church and state grounded in a notion of religious freedom. With Freeden's terminology we might say that the conceptual core of Danish secularism (separation) appears to be interpreted as the establishment arrangement, but embedded in a certain cultural context. Further, we can observe that it is the adjacent component of religious freedom, and not the conceptual core itself, which is subject to ideological contestation.

To understand this contestation of the interpretation of religious freedom, I turn to Christoffersen, who entered the committee as a legal expert in law, religion and society. Within the legal literature on law and religion relating to a North European context, she has distinguished between the discourses of

separation and intertwinement, respectively. The former sometimes represents the logic of church autonomy as ‘the right for religious communities to act outside the law of the state, framing their own legal structures’ (Christoffersen, 2010c: 565) and the latter emphasizes the importance of distinguishing but not separating (Christoffersen, 2006: 109; see also Vinding, 2013: 125; or an alternative distinction between ‘religious institutional pluralism’ and ‘strict separation’, see Bader 2007: 203).⁸² Intertwinement does not entail separation ‘...since that would mean pressuring the single individual as well as the system into a choice between either secular or religious legitimacy’ (Christoffersen, 2006: 109).

As we have seen in the parliamentary policy debate, these different perceptions were in play and they were all grounded in reasons of religious freedom. From ideas of full separation and disestablishment as supported by Enhedslisten and Liberal Alliance (because only a religiously neutral state allows all religious communities to enjoy equal freedom), to affirmation of status quo with potentially unlimited state control as supported by the Conservatives and

⁸² I deliberately make a rather crude reading of Christoffersen here, as I wish to direct the discussion to a context of modest establishment, and thus not a theoretical conversation on universal separation. Christoffersen note, that while the separation thesis and church autonomy are overlapping concepts they also potentially conflict. On the one hand full-fledged church autonomy would fully separate church and state both normatively and institutionally, but on the other hand the resulting parallel legal system would potentially conflict religious and (secular) legal norms (Christoffersen, 2006: 114-115). A well-presented practical example of this tension would be the hijab debate in France by Laborde (2008) in which she discuss the tension between republican norms of freedom (‘to be forced to be free’), individual and the concept of domination, especially in the civil form of *dominium*. (Laborde, 2008: chapter 7).

Danish People's Party (because the constitution require the state to uphold the Folkekirke's special status and to govern on its behalf, so that collective and individual freedoms *within* the Folkekirke for members and pastors are secured). In between, we find a middle position of some minimal autonomy formalized in an established arrangement with considerable state control. Here, supported by the Socialists, the Social Democrats, Radikale Venstre and Venstre (because both the latter's internal freedom and some degree of self-determination for the church community is important for religious freedom).

Thus, while the status quo arrangement of Danish church-state relations might be empirically identified more as intertwinement and less as church autonomy-as-separation, as Christoffersen suggests, the horizon of political positions of the policy debate had both affirmations of intertwinement and alternatives to the existing order. As W. Cole Durham noted in a comparative study of different traditions of Western church autonomy regimes ‘...as one examines actual protection of religious autonomy in practical administrative contexts, one begins to note a variety of ways in which the scope of religious autonomy protections are narrowed. These differences may reflect deep-seated cultural variations, in the way that freedom of religion is understood and interpreted’ (Durham, 2011: 28).

While the current government's attempt to realize a policy of further independence and self-determination for the Folkekirke might appear to be a whole new, and perhaps foreign critique of an old time-honored Danish political tradition, in fact we have seen quite a few similar attempts especially in the second half of the 19th century. Furthermore, the current committee builds on recent reports and structural reforms from the last couple of decades. Thus, in the case of Danish political and cultural tradition, it seems that the different

positions of the policy debate came close to historical ideas, some of which were discussed in chapter 4.

First, we have the notion of intertwinement describing the status quo. On the one side as affirming the hegemony of secular law (i.e. the Folkekirke as a public law entity), and on the other the acknowledgement of two different normative systems which should not be confused. This interpretation of the Two Kingdom's Doctrine exhibits some similarities with the Pufendorbian legal tradition in Danish politics, the so-called collegial system (*'Kollegialsystem'*), which regards the church as an association whose *jus circa sacra* (external affairs) is governed by public law, but *jus in sacra* (internal affairs) were an ecclesiastical matter for the church itself to decide. '...the idea was a principled distinction between church and state, while maintaining the latter as hegemonic. It can be perceived as an early kind of tolerance with limited church independence and a corresponding freedom of conscience...' (Rasmussen, 2011: 44). The idea of a common domain (a social contract) of freedom and law regulation to bring order in society was linked to the church, in that the secular sovereign, the monarch, governed its organization. Public religion from this perspective maintained order (rights and duties) in accordance to natural law, but also functioned to unite subjects into a common society (Rasmussen, 2011: 44). In the context of Northern Europe, it appears that the description of Danish intertwinement contains an understanding of national identities as being characterized by their overwhelming affiliation with the established church, irrespective of religious convictions (Christoffersen, 2006: 118). In this respect, intertwinement implies on the one hand that a sense of cultural belonging is keeping the majority of even secular Danes as members of the Folkekirke (often called the 'culturally Christians' or the 'secular Christians'). However on the other hand it implies that having the Folkekirke as a site of national belonging

does not rhyme with any degree of church autonomy. In this sense, intertwinement and the Pufendorbian natural law reading of Two Kingdom's Doctrine share some common ground.

Regarding the above middle position, it could be argued that some of the current reform efforts of the church-state relations could be seen as a first step in this direction. Christoffersen has pointed in this direction herself, by arguing that intertwinement as a concept is not inherently referring to a Lutheran tradition of embedding establishment and national identity into state power, but theoretically holding the potential to deal with society's increasing religious pluralism. Christoffersen has suggested a more egalitarian model of intertwinement which deals with the challenge of multiculturalism, not by fully separating religious communities and the state, but rather ‘...to remove the distinction between public law and private law in the field of religion in the Nordic countries in order to secure a legal foundation for all religions to have a public character and (thus) legitimacy to contribute to the composition of societal values’ (Christoffersen, 2005: 224). In this vision, equality is not achieved by making the Folkekirke as independent as current religious communities regulated by private law, but to integrate other religious communities into public law (while granting a higher degree of self-determination in internal affairs to the established church). She points to a ‘platform for all’, ‘a legal framework for a pluralistic model’ or even the ‘creation of a new unity’ (Christoffersen, 2005: 228), in which religious communities gather around *one* public order regulated by secular law, and influenced by public debate in which religions also have a voice.

If I have read Christoffersen correctly, the connection between the idea of further self-determination of the established church while maintaining its governance by public law, comes to be a way of dealing with the issue of

religious equality between all religious communities. It is perhaps not a coincidence that all political parties supporting initiatives toward further self-determination of the Folkekirke also support further equality of all religious communities. In this line of thought, there are similarities to the reconstructed Civil Church Model by Grundtvig, which in a sense pursued the Pufendorbian reading of the Two Kingdom's Doctrine further into the age of religious freedom to all Danish citizens. While Grundtvig maintained a strong romantic (particularistic) perception of political identity as an ethnos founded in tradition, language and Christianity he also envisioned the possibility of one common legal, religiously neutral framework for all religious communities. The whole structure would exist in order to preserve autonomy understood as decentralized entities of faith, enjoying freedom as communities within the state structure. Without conflating to two, one might point out that Christoffersen's preferred model promoting 'an ethnos-based multi-religious composition of values' (Christoffersen, 2005: 228) for society, might not be alien to Grundtvig's vision of a civil church. That is, an idea of maintaining a certain cultural and political tradition as a particularistic marker of political identity, while including a polyphony of religious voices in the public debate.

From the point of view that the conceptualization of secularism developed in this thesis, it is relevant to consider whether we imagine a political order based on secular morality or religious morality. Whether our social imaginary expressed in political discussions regarding the policy area of religion-politics relations take as a point of departure a neo-Durkheimian or a Post-Durkheimian dispensation. While Taylor argues that these two dispensations in today's political discourses are in a constant struggle, in the Danish case I would argue that it is very much related to not only the constitution of modern political legitimacy, but also to the link between secularism and peoplehood.

To use the terminology of chapter 2, we see that both the intertwinement and the egalitarian intertwinement operate with separation as principled distance, and exactly not with separation as mutual exclusion. However, while the former model affirms a particularistic story of the Danish people by maintaining the church as ‘the guardian and articulator’ of political identity, ‘that of the whole society, to which everyone must belong’ (Taylor, 2007: 442), the latter, at least theoretically, hold the potential to be realized in a public order based on an *universalistic* story of Danish peoplehood. There is a crucial difference whether one's political identity is guided by or informed by religious knowledge. And it is at this crossroad of political principles the debate in Denmark currently stands. The difference between what I in figure 3 (page 42) have categorized as modest establishment and contextual secularism is not to ground one's secularism in separation as principled distance (as they both do), but how these principles of religious freedom and religious equality are grounded in peoplehood. What is in play is the adjacent components constituting the conceptual structure of secularism, as an ideological concept.

If Danish secularism were to change from being dominantly characterized by modest establishment to something more similar to contextual secularism, we might understand such a development on the background of preceding chapters as a further advance of the secularization process. And again, not understanding Danish society being more modern or rational or less religious (the idea of incomplete secularity), but understanding it as the ongoing *transformation* of public religion and its relation to the state (on this point see also Wyller, Breemer and Casanova eds., 2014). Granting the Folkekirke more autonomy as corporate religious freedom would be the first step (potentially through the current reform efforts covered in this chapter), and treating all religious communities equally would be the second. As the chairman of the

ministerial church committee wrote a decade ago: ‘...groups within minority churches [all those religious communities not being the Folkekirke] wish for more religious equality, while still growing groups within the majority church – the great Evangelical Lutheran religious community we call The Danish Folkekirke with a membership rate of 5/6 of the population – yearn for more religious freedom’ (Gammeltoft-Hansen, 2004: 119). In this article he argued that while the realization of more freedom to the Folkekirke and more equality to the religious communities can be settled apart, they are both legally and politically interconnected problems.

If the current policy debate covered in this chapter is understood from such a secularization perspective, it is interesting that a potential first step of making secularism less affirmative of particularistic Danish identity and more of universalistic Danish identity comes from religious circles one again. Back then, it was not (only) a religious struggle of both being a Danish citizen and not following official orthodoxy but a more general critique of how the state governs public religion. From bishops over pastors and regular church members to legal and theological experts, there are a growing number of voices wishing a clearer and more principled relation between the state and the Folkekirke, with many of these in addition pushing for further church autonomy. If such views were to be implemented into a policy, they would indeed change the institutional expression of Danish secularism, and possibly point in a direction of a new theme in the Danish story: equality between religious communities.

Having analyzed the Danish separation doctrine as an ideological concept stressing its polysemy, rendering several interpretations available in the public discourse in chapters 4, 5 and 6, I will now turn to the final stage of my study: the conceptual reconstruction of Danish secularism.

Chapter 7 Reflections on Danish secularism

7.1. Introduction: *'After you my dear, after you'*

When identifying the general Danish interpretation of separation principles, two facts should be noticed. The first is that the church-state-regime of establishment was forged at a time when an astonishing 99 percent of the population were members of the Folkekirke in 1849. Up until 1985, 91 percent of the Danish population were members, and today it is still surprisingly high (just above 78 percent) (Statistics Denmark, 2014d). In that sense, the general premise of Danish secularism has historically been the religious homogeneity of the Danish society and was contrived in what might be called a multilutheran culture, where religious conflicts confined themselves to this religious outlook (Dabelsteen, 2012). Keeping this in mind, the second fact might come as a surprise. The Danish population is considered to be one of the most secularized in the world when measured on religious practice and personal belief (Norris and Inglehart, 2004: 84; Casanova, 2014: 27).

The combination of the two facts which roughly applies to all Nordic countries, has inspired some to claim that established religion within the parameters of a liberal (secular) democracy, is the most efficient way to maintain a secular public sphere (Stark and Finke, 2000: chapter 9), recently affirmed by Phil Zuckerman (2008: 111-113). Of course, this idea is as old as public critique of established religion is. A 'recent' example could be the Danish politician and journalist Viggo Hørup, who wrote this in his newspaper, Politiken. '...I love and esteem the State Church, because for us freethinkers it is

the best defense against excessive and dissolute religious agitations... Regarding us freethinkers we are going nowhere... we will never leave the Folkekirke. To all the not so well-mannered inquiries for us to leave, we answer with greatest courtesy that it is a dear duty: After you my dear, after you. I leave it to you to go first!' (Hørup, 1893).

This kind of establishment regime with widespread popular support in the form of membership of the church, I identify as a secularism doctrine. Specifically, I place this type of doctrine separating religion and politics within the second quadrant in figure 3 (see chapter 2, page 42). Danish secularism operates with a framework of secular law embedded in a particularistic, Lutheran political identity, not unlike what Taylor has termed as the common ground strategy, but instead a mode of religious conflict resolution, which premises some sort of shared religious and cultural political identity within the state. He defines 'the common ground strategy' to be aiming at establishing '...a certain ethic of peaceful coexistence and political order, a set of grounds for obedience, which while still theistic, even Christian, was based on those doctrines which were common to all Christian sects, or even to all theists' (1998: 33). According to Taylor this kind of secular argument has its origin in the bloody 16th and 17th century wars of religion between Catholic and Protestant princes, which in turn led to a doctrine beyond confessional disagreements to unify the subjects around a common legitimate social order.

In general, religious freedom and institutional tolerance is fairly strong in a comparative perspective, but as was evident in chapters 5 and 6, both at institutional and policy levels Danish politics relating to religion is sometimes filled with internal tensions.

Regarding the relation between secular law and a particularistic, Lutheran political identity, it is to a wide extent a result of the rather peculiar role the state takes in relation to the established church in Denmark. Legal scholar Lisbet Christoffersen has pointed out that the whole notion of legal authority in Lutheran societies like the Danish, is based on the principle that ‘there is no law but secular law’ (Christoffersen, 2013a: 118). As a consequence, secular law is expected to protect both liberal rights (e.g. freedom of and from religion), and to secure a space for religious communities. Here, we see clear parallels to the relational interpretation of Luther's Two Kingdoms Doctrine (discussed in chapter 4), which gave the temporal sovereign full authority (save the spiritual world) and could expect its subjects to exhibit unconditional obedience to his laws and decisions. I argue that the Folkekirke is integrated in the above secular law in the following way. *All* religious communities enjoy their liberal rights as long as a) they too recognize no other law than secular law, and b) that the Folkekirke maintains its historical (and still legally unsettled) link to the state, because it is of special cultural importance to the nation.

Even so, it does not make sense to consider Danish *law* as Lutheran. However secular law is functioning in a political identity, which is quite particularistic. Thus the secular state not only goes to the Folkekirke to quench its thirst for belonging and (particularistic) ethical worth, but the state is also perceived to hold the responsibility to keep the source pure. That is, to make sure the Folkekirke follows the moral and social standards of the general population (e.g. when the state introduced democratic parish councils in 1903, female pastors in 1948 or same-sex marriage in 2012, for the sake of democratic values, gender equality values or sexual equality values). Thus a majority in *both* the parliament and the church is reluctant to let the latter govern its own affairs, as it could lead to religious contestation and denaturalize the image of the

Folkekirke as a site of shared national belonging. ‘No law but secular law’ indicates that the church, its organization and governance in principle is a secular affair. Only the internal affairs related to rights and worship are (mostly) a theological concern, and thus not political. What Catholic and Reformed churches in other countries calls canon law (rules regulating internal affairs for its clerics, members and organization according to existing interpretations of canon literature), the Lutheran established churches have traditionally rejected. Certainly, there is a tension between this ecclesiastical self-image of the Lutheran established churches in Denmark, Norway, Finland (even for the Swedish church) and the tendency to grant the churches even more autonomy, since it results in more and more self-governance.

We can identify Danish secularism as representing the logic of *modest establishment* as discussed in section 2.3. The Folkekirke might not be ‘justified by appeal to principles of justice’ but at the same time it is not perceived to be ‘in violation of them’ either (Laborde, 2013: 82). As we saw in chapter 5, the arrangement sometimes means that other religious communities have wider religious freedoms, than do the constitutionally privileged Folkekirke. Largely because along with the special link to the state also comes the possibility for the state to interfere. Yet, we still see cases of religious minorities being caught in the crossfire between politics of religious tolerance, rather harsh laic (or anti-religious) stances and anti-immigration (e.g. on the Danish Burka affair, see Christoffersen, 2013b).

This historical *modus vivendi* appears so strong that the locus of disagreement between the leading politicians is not whether or not the church should remain established, but rather *how* it should be established (Dabelsteen, 2011a). Let us now turn to how we might conceptualize Danish modest establishment, on the basis of the former chapters.

7.2. Morphology of Danish secularism: Freedom, equality and the people

In this section I will reconstruct the conceptual structure of Danish secularism. I ask what is characteristic about it, or in Freeden's words 'what entitles us to use the same word for its manifestations?' (Freeden, 1996: 61). As discussed in chapters 2 and 3, ideological concepts like secularism contain a *core* component (without which it would be unrecognizable as secularism), and a range of additional components attached to the core in recognizable patterns: *adjacent* and *peripheral* components. In Figure 6 below (page 273) I have illustrated how the conceptual structure might look like.⁸³ Here, we see that the core component of Danish secularism is separation, which I understand to be essential for its formation. However, separation in this context should be understood as separation-as-principled-distance. This conception does not signify a principle of equal treatment, but of treating everybody equally. That it is this conception of separation and not separation as exclusion is due to the core's position, in relation to its attached components.

Regarding adjacent components, Freeden first points to the logical attachments of components to the core. These are 'necessary options and permutations which are invariably brought into play by any concretization...' (Freeden, 1996: 68). In relation to secularism as an ideological separation

⁸³ In earlier works, I have termed Danish secularism 'folkekirkelighed', reflecting the three dimensions of a political doctrine encompassing especially the elements of identity, the people (*'folk'*), the institutional arrangement of the national church (*'kirke'*) and the political principle of equality (*'lighed'*) (Dabelsteen, 2011a, 2012).

doctrine, these are often identified as the liberty, the equality and the neutrality principle in political philosophy (e.g. Audi, 2011: chapter 2). In Figure 6 we thus find *equality* and *freedom* as logically adjacent components. However, parallel to the core component 'logical adjacency is both a constraint on the indefinite variety of a concept and an opening for its indeterminate and pluralistic structure' (Freedman, 1996: 69). We will therefore find particular conceptions (or semantic constraints) in a Danish context. As we have seen, individual freedom is a strong and universal right in the constitution (see Folketinget 1999: article 67, 68 and 70), while corporate freedom appears to be only partial. As chapters 5 and 6 exposed, this has to do with the notion of church autonomy which applies to all religious communities besides the Folkekirke that is considered to be a public law entity.

Similarity, individual equality is universal (e.g. article 70 in the constitution establish that no one may be denied their political or civil rights due to their religion. Equality is also protected by the non-discrimination principles in European Convention On Human Rights, cf. Gammeltoft-Hansen, 2004: 120), but corporate equality too is partial. Due to the tradition of separation-as-principled distance in Danish politics today, the guiding ideal has been de facto to treat all religious communities with more or less equal rights and privileges (tax-exemptions, marriage authorization, burial grounds etc.).⁸⁴ Nevertheless, it is

⁸⁴ Guiding ideals does not always lead to ideal practice. There have been cases of complaints of recent unequal treatment – often not in the form of denial of equal rights, but in delayed and bureaucratic implementation. For example, permission to build mosques (e.g. Jacobsen, 2011) or permission to establish burial grounds (Lægaard, 2010); see also Nielsen (ed.), 2012.

only de facto equal since the Folkekirke symbolically hold a special status and because the state has a direct duty to support the Evangelical Lutheran Church as an established church, as written in the constitution (Folketinget, 1999: article 4). In fact, the Folkekirke can be considered as the fourth independent pillar of the Danish state besides the classical three state powers. The Danish constitution defines in article 3 the legislative, executive and judicial power and article 4 establishes the 'fourth' element of the state domain, Folkekirken (see Folketinget, 1999; Christoffersen, 2010b). As chapter 4 showed, the partiality of corporate equality might stem from a time when religious equality was something important to promote within the Folkekirke between all members of the Church. This aspect of religious equality can also be understood as a particular interpretation of multilutheran tolerance, the idea of the 'accommodative' [*rummelige*] church. Significantly, this may contain a wide range of different denominations within the perimeters of Evangelical Lutheran theology.

Also found within Figure 6, we find a culturally adjacent component, peoplehood, as part of Danish secularism's morphology (and indeed for all types of secularisms, I argued in chapter 2). In relation to the separation doctrine, I have argued that Danish peoplehood belongs to the type, which I have called *particularistic peoplehood*, borrowing from Smith's terminology of peoplehood. The story of Danish peoplehood is founded on what Smith would term a *particularistic ethically constitutive theme* in that it evokes a strong sense of membership and belonging, to an ethnos of a certain language, culture, history and most of all religion. This component is culturally adjacent as it imposes further semantic constraints on the whole morphological structure of Danish secularism. The Danish people is not conceptually attached to the separation of

religion and politics as a logical inference, but because it is deeply embedded in the same historical, cultural and institutional context.

At this point one might notice that one of the components, which would be expected to be an important logical adjacent component to secularism, the neutrality principle (governmental neutrality toward religion and the religious, see Audi, 2011: 45-49), is placed at the 'edge' of the concept together with liberal democracy. These two components to secularism I define as part of the concept's *margin*, which Freeden describes as ideas which are related either historically (perhaps it once was adjacent to the core), pragmatically (non-ideational events in e.g. international politics can make some ideas relevant to a concept), or conceptually (other concepts or 'ideologies force them on the agenda, but the ideology in question relates to them only reluctantly and contingently', Freeden, 1996: 79). State neutrality and liberal democracy are both relevant ideas to Danish secularism. However, they are not necessarily essential to make it conceivable in the same way, as freedom, peoplehood and equality are vital to understand what Danish secularism is. Relating to the neutrality principle this is because the concept is not based on separation as exclusion, as neither modest establishment nor contextual secularism would live up to the demands of neutrality understood as a kind of institutional agnosticism.⁸⁵

⁸⁵ On institutional agnosticism, see e.g. legal scholar Frederick Schauer's definition 'It is a process – some might call it the meta-doctrine, and others might call it second-order doctrine – that presupposes the undesirability of having a rule, principle or doctrine for one institution that is not applicable to another.' (Schauer, 1998: 107). Paul Riceour too defines institutional

Finally, in Figure 6 I identify Lutheranism and the welfare system to belong to what Freedden has termed the *perimeter* of the concept.⁸⁶ The perimeter components helps the ideological concept gaining ‘...relevance for specific issues, to incorporate and identify significant facts and practices, to embrace external change, and to provide the greater degree of precision necessary to interpret the core and adjacent concepts’ (Freedden, 1996: 79-80). As the introduction to this chapter indicated (together with chapter 4), what we might call Lutheran culture plays an important role for the political and legal interpretation of separation, equality, freedom and people. Not at least the Lutheran Two Kingdoms Doctrine is relevant in this connection. However not as a doctrine of institutional (spatial) separation of church and state (which was foreign to the original conception), but as a relational doctrine constitutive of Danish culture and secularity (Witte, 2014).

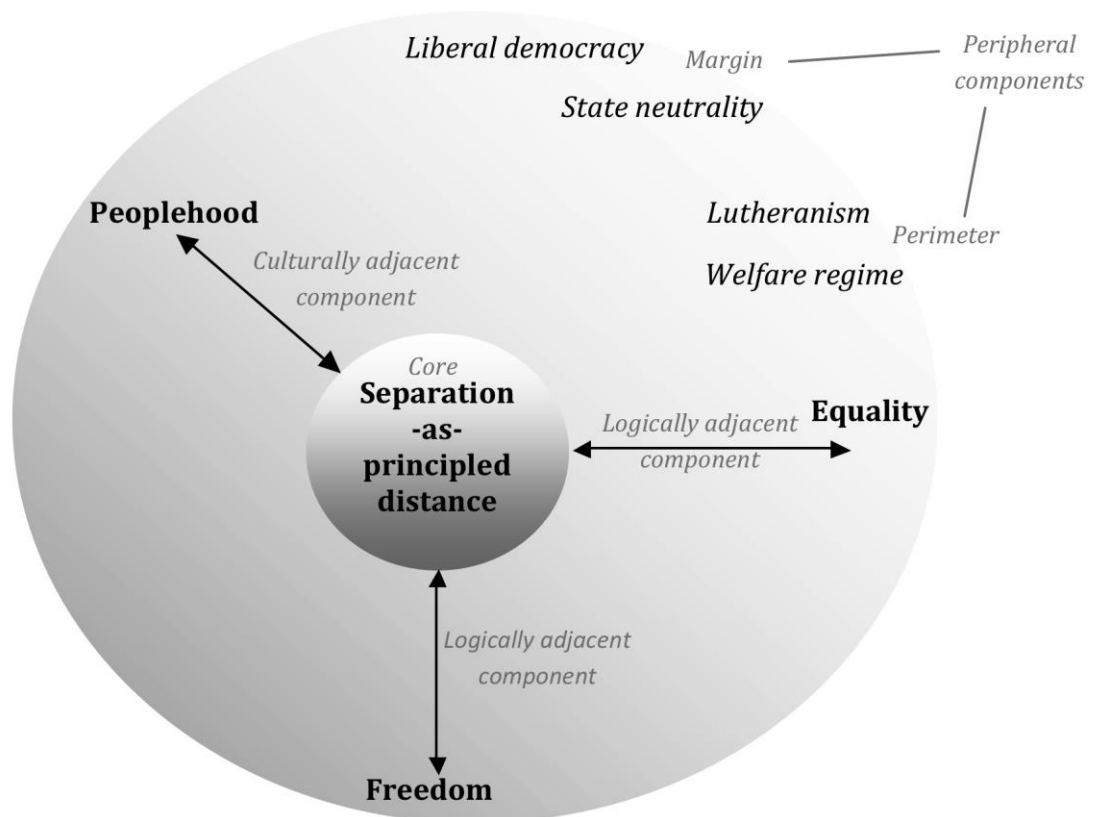
Perhaps surprising to some, I also identify the welfare regime as a relevant, but peripheral influence on Danish secularism. In the last couple of years there has been an increasing interest in a better understanding of both the characterization, origins and comparative differences between welfare regimes by looking into the role of public religion, as part of a more historic and context

agnosticism: ‘... the state neither recognizes nor supports any religion. This is religious freedom in negative, the price being that the state itself has no religion. This goes even further; this means that the state does not “think” in these terms, that it is neither religious nor atheist.’ Riceour, 1998: 128), see also Bader, 2007: 179) and Laborde, 2008: 36-37).

⁸⁶ Freedden terms both marginal and perimeter components *peripheral components* to signify their relation to the core in relation to adjacent components, see Freedden, 1996: 78.

sensitive approach (for a prominent example of this, see Kersbergen & Manow, 2009; in a Danish context, see Sørensen, 1998; Andersen, 2006; Petersen and Petersen, 2009). Just as secularization was not a simple and uniformed process, neither was the formation of the early modern welfare regime. To be sure, Lutheran Evangelical Christianity was not functionally differentiated from the state apparatus only to disappear with modernity. Rather, as the secular social functions of the monarch's church was slowly transferred to state institutions, public religion became integrated in the formative process of creating a welfare regime, and contributed to the production of its normative foundation. As political scientist Sigrun Kahl has pointed out in relation to welfare regimes in predominantly Lutheran countries, '... there is today a "hidden" religious curriculum that is deeply engrained into the secular institution of social assistance' (Kahl, 2009: 289; on the Lutheran 'hidden sacrality of the secular' toady, see Witte, 2014). Historically, Folkekirke-Christianity has contributed to shape the political horizon of understanding and possibility of what is to be considered just social policy. One might argue therefore, that a certain connection still exists today (Petersen, 2006).

Figure 6. The morphological structure of Danish secularism, illustrated with core, adjacent and peripheral components



This is the cluster, or structure, of components as illustrated in Figure 6 which together form the ideological concept of secularism. It is this conceptual pattern, which is a forceful and persuasive decontestation of policies relating to religion and politics in Danish discourse.

Of course, Figure 6 represents an attempt to reconstruct the conceptual structure of Danish secularism into recognizable patterns that should not be conceived as static or absolute. Rather, the inherent plurality and essential contestability of political concepts results in ideological contestations both internally and externally, which together with historical events and cultural change makes ideological concepts fluctuate (but not contingent) over time. This is also why Freeden speaks of 'conceptual concatenations' (Freeden, 2013b: 122,

124) between the core and other components (the arrows in Figure 6 goes both ways), and not a one-way effect of the core on its surroundings.

Having laid out the morphology of the main secularism doctrine in Danish ideological language, I will now turn to its dominating manifestations.

7.3. Assertive and accommodationist secularism

In earlier chapters I showed how during the period of political modernization from the beginning of the 19th century, different visions of ordering the relation between religion and politics, specifically between religious communities and the state, have been animated in public discourse. Specifically in chapter 4, I argued that the current Danish separation doctrine contains traits of all of the three historical church models.

Presented in a fairly stylized fashion we might say that the supreme right of the state, *in casu* the Minister of Ecclesiastical Affairs, to regulate the church's internal affairs warranted by royal decree can be traced back to the State Church Model. The idea of some areas of the church community to be governed by the church itself because it should be considered an independent religious community can be traced back to the Independent Church Model. And finally the notion of religious freedom being best secured by subjecting all religious communities to public law, thereby granting all communities equal responsibility and duty towards the same common political identity might stem from the Civil Church Model. As we saw in the succeeding chapters 5 and 6, these traits are indeed present in today's doctrine in varying degrees.

However, also apparent within this shared understanding of how religious communities and the state should interact, is that in particular two

interpretations are struggling to dominate the discourse.⁸⁷ Elsewhere I have reconstructed and traced the two dominating separation doctrines in Danish political debates, in particular from 2001-2010 (see Dabelsteen, 2011a: chapter IV and V). By treating the ideological struggle over Danish secularism as containing several positions, my reconstruction seeks to further nuance existing studies of Danish secularism, which has been more focused on the presence of a *singular* doctrine within the political community, e.g. Mouritzen (2006); Berg-Sørensen (2010); Christensen (2010). In the following I will highlight their traces by a few examples in the recent public debate since then (see also Dabelsteen, 2015).⁸⁸

The first variant can be termed *accommodationist Danish secularism*. Within the last few decades it has extensively developed as a critique of the status quo of church-state relations, and thus a contestation of the natural link between Christianity and the Danish people (see the assertive variant below). Prevalent

⁸⁷ The following dichotomy is inspired by Cécile Laborde and her analysis of French republicanism (Laborde, 2008) and Ahmet Kuru's categorization in relation to American style secularism (2009).

⁸⁸ There is a third less prevalent, though growing discursive presence of what we might consider a separation doctrine closest to a humanist, hyper-substantive secularism in Danish public debate. However, since it does not yet influence leading politicians in the same degree as the other two I leave it out for the time being (e.g. Dabelsteen, 2011a: chapter 2). See also section 5.4. on the shared position of Enhedslisten and Liberal Alliance in relation to the two dominating discourses.

among the leading politicians of the current government,⁸⁹ it is pushing for more accommodation, that is, equal treatment of religious communities in society. Even though they maintain an acceptance of the cultural and particularistic primacy of the Folkekirke in Danish identity, they continue to criticize the current institutional regime for unduly excluding other religious communities from equal political treatment.

Related to this, a further feature of accommodationist Danish secularism is that it traditionally has been skeptical about the enforcement of the customary practice. On the one hand they questioned the quite extensive authority of the state when it comes to the internal affairs of the Folkekirke, in both administrative and dogmatic matters. On the other hand, they wish the status of non-members of the Folkekirke to be considered as equal in their right to enjoy various privileges.⁹⁰ Thus, we can observe a take on religious tolerance more in accordance with a principle of treating all as equals (not equal treatment, since established religion is upheld).

One recent expression of such a view was articulated in 2012 by SF's spokesperson for Ecclesiastical Affairs Pernille Vigsø Bagge, who suggested that The Ministry for Ecclesiastical Affairs ought to be renamed either The Ministry of Religion, Ministry of Philosophies of Life [*Ministeriet for Livsanskuelser*] or

⁸⁹ Consisting of *Socialdemokratiet*, and *Radikale Venstre*, but supported by *Socialistisk Folkeparti* (part of the 2011 government coalition but broke out in protest in early 2014) and *Enhedslisten*.

⁹⁰ Notice, that equality for all citizens in society is still an interpretation aligned with a traditional Lutheran understanding of secular law; see Christoffersen (2013a).

Ministry of Religious Affairs. She stated ‘we are clearly approaching a state of affairs in which people have all sorts of religious persuasions and philosophies of life, and I think we should be able to accommodate this’ (Bagge quoted in Sparre and Steensbeck, 2012). While the suggestion generated substantial fury in the public debate and was rejected by virtually all party leaders across the parliament, the idea was in fact not new.⁹¹ During the 2011 run-up for the parliamentary elections, the committee for reforming the governance of the Folkekirke was mandated to consider some form of autonomy for the Folkekirke. However, as I discussed in chapter 6 this also entailed the question of more equal distance between the state and religious communities in general. As the Social Democrat spokesperson for Ecclesiastical Affairs, Karen Klint stated on behalf of the parties SF, S and RV which were then in opposition. ‘We will begin to work on a modern constitution for the Folkekirke if we enter government. In our finance bill we have financed a task force for this purpose. It is intolerable that the state takes responsibility for employing and

⁹¹ Rather than an ideological unseating of the idea, the denial can be related to a lack of party discipline and political timing of the sender. During the cabinet-making after the elections in September 2011, Pernille Vigsø Bagge was by many identified as having been outmaneuvered politically as she got no ministerial office (though she got the second-highest number of personal votes in SF), see e.g. Kristeligt Dagblad, 2011. This she publicly protested against calling the new government a ‘flop’ and stated ‘I campaigned on a platform of 5 issues: early retirement benefits, unemployment benefits, gender equality, and North Jutland influence. Gone are the first two issues. The church office went to a non-member possibly with no clue about neither it or gender equality. And North Jutland influence is long gone... Who knows if I’m a member of SF at the end of day.’ (Information, 2011). Thus, at the time of the quote her own party and the government discredited her statements politically. On a brief outline of the political context of the 2011 election, see chapter 5.

administering the economy for the Folkekirke. Of course this would tamper with the function of the Ministry for Ecclesiastical Affairs. There should be an independent ministry for religion or simply a ministerial office concerning religious conditions in Denmark' (Klint as quoted in Schelde and Johansen, 2011). From this quote we might recognize the idea of religious equality through shared state regulation, as it was presented in chapter 4 as Grundtvig's 180 years Civil Church Model' (see chapter 4).

The accommodationist discourse of cultural and religious accommodation, through *equalizing* the religious communities 'upwards' to the status of the Folkekirke, can be recognized in quite a number of earlier statements by leading politicians. To take one example of this accommodative logic before the period already covered in chapters 5 and 6, former minister and Social Democrat leader, Svend Auken stated '... it is discrimination against many religious communities that the Folkekirke gets its contributions through the public tax demand note. It gives the church a great advantage. Religious equality means that the state offers to collect subscriptions on behalf of all religious communities' (Auken as quoted in Information, 2004). Another example could be the 'neutral common prayer day' proposed by Klint '...where all religions can pray for the nation, peace in the world, or the well-being of your neighbor if one does not wish to pray for anything religious' (Klint as quoted in Vincents, 2008). And while SF officially '...supports a full rights-based equality between the Folkekirke and recognized and approved religious societies' (Socialistisk Folkeparti, 2014a), RV has on several occasions made statements such as 'We certainly do not wish to change the Folkekirke. But we do want to be is more fair to the other approved religious communities. In Denmark we have freedom of religion, and this can be emphasized by granting equal conditions' (Nielsen,

2009). Taken together, while the accommodationist variant does seem to push for further equality between religious communities, it is done (still) within the tradition of Danish modest establishment evoking a particularistic political identity.

The second position I call *assertive Danish secularism*, which can be considered the ideological defense of the current institutional church-state regime. It predominantly finds its proponents in the leading political figures from center-right, to populist-right end of the political spectrum.⁹² The central argument here for is the Evangelical Lutheran Church to maintain a constitutionally privileged relation to the state, in contrast to other religious communities such as Muslims and other 'dissenting' Christian denominations. In a time of immigration and globalization, it is increasingly important to defend and assert Danish culture and values in society to maintain Danish identity and cohesion. The Folkekirke plays a vital role in this effort.

In the above-mentioned debate on renaming the Ministry of Ecclesiastical Affairs, we saw this interpretation of the Danish separation doctrine being adopted. For example the chairman for the Conservatives, Lars Barfoed responded 'We have a Folkekirke in Denmark. It appears from our constitution. By far the greater part of the population is member of the Folkekirke. Our whole culture rests on a Christian-humanist foundation. It is therefore a natural and right thing to have a Ministry of Ecclesiastical Affairs which handles the organization and legal framework of the Folkekirke' (Barfoed as quoted by

⁹² Particularly the parties *Venstre*, *The Conservatives* and *Danish People's Party*.

Jørgensen, 2012). Venstre and DF referred to the majority being Danish too, but at the same time emphasized the deep religious and cultural roots of the Danish nation and the concern of including more Muslims into society (Kristeligt Dagblad, 2012). The latter party's spokesperson of Ecclesiastical Affairs, Christian Langballe argued 'Should the Ministry of Ecclesiastical Affairs have a new name? This was the opinion of SF's group chairman and spokesperson for Ecclesiastical Affairs, Pernille Vigsø Bagge... Why? You've guessed it. It starts with "I" and ends with "slam". According to SF it is offensive to Muslims that we in Denmark have a Folkekirke and a Minister for Ecclesiastical Affairs. I guess the next thing will be to remove the cross from Dannebrog [the Danish flag], and have Christmas prohibited, because it insults Muslim's feelings' (Langballe, 2012).⁹³

This reasoning is first of all fueled by fear of politicization of religion in the public sphere, should full religious equality be implemented between religious communities. As long as religious conflict is confined to the Folkekirke as it effectively has been throughout modern history, social order is maintained.

Secondly and related to the former, they believe that the religious or spiritual liberty (in Danish '*åndsfrihed*') is best protected in the Folkekirke when the church is *not* institutionally autonomous from the state. Rather, the state should carefully assess the will of the church and then decide on its behalf. To eliminate the top decision-making layer of the church organization, it ensures that the clergy would not have to fight over the true exegesis of the Gospels for

⁹³ Besides the apparent word-play in Langballe's quote ('I-slam'), the ending 'slam' connote sludge or dirt in Danish.

the Church. Otherwise, it would become as spiritually paternalistic in the church, which is what they originally protested against (i.e. the Catholic Church). These features of state regulation and depoliticization of the Folkekirke can be clearly recognized both in historical debates (see chapter 4), in the debates on same-sex church marriages (chapter 5), but not at least in the debates concerning new self-organizing competences for the Folkekirke (e.g. as a synod, see chapter 6). This stance appears, however, to conflict with the reading of Rawlsian political liberalism in chapter 2. The reason is primarily, that political order is prioritized over the Folkekirke's freedom to govern itself out of fear of religious conflict (remember, all other religious communities are fully autonomous). In that sense, a particularistic vision of peoplehood is asserted on political institutions unequally.

Thirdly, many of the proponents of assertive Danish secularism still simply regard the Danish people as Evangelical-Lutheran people, as we also saw in the quotes above. As such this secularism expresses a kind of religious tolerance, which with Rainer Forst could be termed a 'permission conception' (Forst, 2012). They might accept non-Evangelical Lutheran citizens as part of society, but on the condition that they recognize and abide by official Christian institutions and practices.

A final defining characteristic of the both variants of ethno-Lutheran secularism relates to what role religion is assigned in the public sphere. The assertive version takes an exclusivist stance towards religion in public reason. Religion in the public sphere should only relate to religious practices and not to politics. As such, any kind of religious conflicts or programs should not spill over into arguments concerning public law. Assertive Danish secularism would argue that the Folkekirke almost literally is the embodiment of the Lutheran Two

Kingdoms Doctrine, and thus is the condition of possibility for secularity itself. As the former government's minister for Ecclesiastical Affairs, Birthe Rønn Hornbech stated. 'The Constitution establishes in an Evangelical way that we are citizens in two kingdoms... On Evangelical ground we shall distinguish between what is the kingdom of the king and of God' (Hornbech, 2009). Secular law (excluding religious motivations) can be upheld only if a Lutheran cultural order is recognized, because this entails distinguishing between spiritual and temporal authority. For this reason, pastors of the Folkekirke should not partake in political life as representatives of the church community, and other religious utterances in public debate might be considered un-Danish or even extremist. It is a conception of tolerance founded in a cultural, religious hierarchy legitimized by a majoritarian perception of authority, and is seen as a remedy to avoid conflicts by repressing religion from the public sphere.

In contrast, accommodationist Danish secularism is more including on the matter, and is reluctant to consider the existence of an autonomous Folkekirke, or alternative forms of religious practice in the public sphere as threats to the social cohesion of the Danish society. They are in principle open to include other religious communities in the deliberation of how to arrange political institutions, as the attempts of changing the name and function of the Ministry of Ecclesiastical Affairs is an indication of this. Nevertheless, both of these competing secularisms share an understanding of the Folkekirke as a public good for the wider society and not just for the members of church members, which is why they both rely on a particularistic social imaginary. I have summed up two positions in Table 1 below.

Table 1. Key differences between the two dominating variants of Danish secularism

<i>Components</i>	<i>Assertive secularism</i>	<i>Accommodationist secularism</i>
Status quo institutional arrangement	Should be protected. Changes of governance and institution should only be gradual and help preserve existing structures under new conditions.	Is perceived to be obsolete in some respects and should be adapted to reflect the surrounding society's development.
Religious equality	Consider it strong within the Folkekirke, and <i>de facto</i> in society. But the symbolic status should not be extended to all religious communities.	The problem is not the Folkekirke's close relationship to the state <i>per se</i> , but that other religious communities do not enjoy equal status.
Particularistic peoplehood	The Danish people is considered a Christian people, and the Folkekirke is a vital site of national belonging.	The Danish people has Christian roots, which should be respected, but other perspectives can be accommodated in the construction of Danish identity.
Religious freedom for the Folkekirke	The Folkekirke is a public law entity and a public good.	The Folkekirke should be granted further church

As such it does not make sense to speak of freedom for the Folkekirke, as it is the state, which ensure its member's freedom through regulation.	autonomy closer to the degree other religious communities enjoy in respect to self-governance and regulation.
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This finalizes my empirical analysis of chapters 4, 5 and 6 by reconstructing Danish secularism in its two dominating and competing variants. The hope is to provide a conceptual framework, to better understand Danish secularism in a close future likely to contain substantial institutional changes in a scale not seen in centuries before. One of the drivers of cultural and religious change is often identified as multiculturalism, as also mentioned in chapter 1. I will thus complete the circle by returning to this theme as a concluding reflection on the conditions of Danish secularism.

Chapter 8 Conclusion

Within the discipline of political science, the thesis has positioned itself between political theory and interpretive policy analysis. This approach has been necessary due to the 'object' of study: not what the policies do or how efficient they have been implemented, but what they *mean*.

In studying meaning in the political language surrounding selected policy cases, I have been inspired by the ideology analysis of Michael Freeden and interpretive realism. As shown in chapter 3, Freeden is concerned with empirically prevalent discourses understood as the practical usage of political principles by actors for the purpose of decontesting and making natural political choices, which could otherwise have been different. Following Freeden's approach entails giving up the ambition of normatively evaluating politics, taking just principles from political philosophy as one's primary point of reference. Studying politics is to study the structure and development of key ideological concepts as they are expressed in actions, texts, utterances or in some fourth form. To be sure, such political language is based on the various principles we find in political theory, but in reality prioritized and put to use very differently.

This is so, not only because of strategic agenda or cultural discrepancies, but also because political decision-making environments do not always allow for all principles to be fulfilled. For example in cases of conflict, arming oneself with even the best ideal arguments cannot clearly settle how one person's religious *freedom to express oneself* in the public sphere should be prioritized vis-à-vis

another's *freedom from* religious symbols. This is also why Freeden believes the political theorist observing these cases should limit herself to interpret and structure the ideological meaning in the situation, and not trying to normatively evaluate it (and thereby producing further ideological meaning herself, Freeden 2013: 15). Practical politics can best be conceived as muddy waters, which the political theorist will have to navigate through and find a way to better understand how political thinking is structured in actual political language.⁹⁴

So what do I conclude after studying the research question: *how we can conceptualize the current separation doctrine of religion and politics in a country like Denmark where the structures of established church and peoplehood overlap?*

First of all when it comes to the policy area of religion and politics, I have found that one important way to structure our understanding of how the architecture of secularism differs in different contexts, even though secularisms always stand on the same foundation, *separation*, which is to pay attention to the particular kinds of political *unity* the political actors directly or indirectly affirm. Pushing a political agenda inspired by a particular form of secularism is profoundly interconnected with the activity of evoking a sense of political identity. The way 'we' deal with religion in the public sphere is not purely a matter of political principles such as religious freedom or religiously neutral state regulation, but also a part of producing or reproducing a certain story of a people. As I have argued, *the question of producing political identity should be*

⁹⁴ Or as Freeden would characterize 'the political': ambiguous, indeterminate, inconclusive and vague (Freeden 2005).

considered part of the very concept of secularism when it comes to ideological language.

Second of all, from this approach of studying politics relating to public religion, I have made the argument throughout the thesis that while Danish secularism does not express the institutional ambitions of a fully disestablished, exclusivist separation, it does hold the potential to reside within the parameters of political liberalism. As we have seen, some variants of Danish secularism holds this potential in theory, and sometimes also in practice. Analyzing the most important current cases in Danish politics within this policy area, same-sex marriages in 2012 (chapter 5) and the ongoing church governance reform process (chapter 6), I have tried to show the principles Danish secularism is based on, how it works in practice and the challenges it struggles with today.

A main ambition of the thesis has been to show how we might conceptualize secularism in political theory in a way more sensitive to real life politics. It does so in particular by emphasizing political identity, or peoplehood, as one of the most important contextual elements in order to understand how secularism works in practical politics. Specifically, I have shown how one branch of possible ideal-typical secularisms, *modest secularism*, should be taken seriously as a doctrine of separating religion and politics. In my conceptualization, modest secularism is based on separation of religion and politics by principled distance (i.e. treating everybody as equals), in order to support a particularistic story of a people. This ideal-typical secularism should be considered in line with other perhaps more familiar types from the theoretical literature, such as procedural or ethical secularism of the exclusivist kind (both based on mutual distance ensuring that everybody is treated equally), see chapter 2.

On the basis of the policy cases in chapters 5 and 6, one might expect some institutional changes to be introduced in the near future between the state and public religion. In that connection an interesting question would be if the current trend towards granting the Folkekirke further autonomy as an independent religious community continues, how the two dominating Danish secularisms will develop correspondingly. Hopefully, the conceptual work done here will prepare us to engage in further analysis. It will be especially interesting to observe how the story of Danish peoplehood will be told in political discourse in light of such changes, and whether it can maintain its particularistic theme if equality between religious communities increases. What Danish secularism might look like in the near future is of course speculative, but the conceptual map developed in section 2.3.1 and 2.3.2 offers three possible (ideal-typical) routes, dependent on which kind of separation principle and which kind of peoplehood will be prevalent. One factor influencing such developments might be the increased cultural pluralization of Danish society.

8.1. Conditions of multiculturalism: A story with many narrators

There has been one aspect of secularism and peoplehood which has deliberately not been addressed directly so far. The thesis has been predominantly focused on what could be called the doctrine of separation pertaining to the political identity of *the majority*, and with good reason this has primarily been related to the meaning of the governance of the Folkekirke. But as chapter 4 also have shown, the development of the separation doctrine has been driven not only by concern for the governance of the majority's religion, but also in dealing with the *religious minorities*. The same can be said about today's conditions, many heated and controversial public debates relating to the connection between religion and

politics concern religious minorities within Danish society. There are plenty of recent cases to confirm this point such as the Mohammed Drawings, several debates on banning burkas in public spaces, Catholics suing the state for unequal treatment, the location and permission to build religious sites like prayer rooms, Mosques and Muslim cemeteries etc. As with the same-sex marriages in the Folkekirke, in all these cases the debates eventually turned to the question of *if* and *how* the state should regulate public religion.

Thus, there is another side to the separation doctrine, which relates to the religious minorities and their relation to Danish peoplehood and secularism. Many of the political theorists referred to in this thesis have actually dealt extensively with the question of both secularism, and the challenge of religious and cultural minorities, or what is often termed the challenge of *multiculturalism*. The main concern is the condition of already present, or increased, religious and cultural plurality in society. The discussion within political theory on equal recognition of citizens irrespective of cultural affiliation arguably started with thinkers such as Will Kymlicka (e.g. 1995), Charles Taylor (e.g. 1992), and Iris Marion Young (e.g. 1990). These thinkers have been presented as struggling over at least two different takes on the challenge of cultural plurality, that of a communitarian or a liberal response (see Spinner-Halev, 2006).

The main challenge of multiculturalism seems to be that potential tensions between the majority culture and for example immigrants, does not seem to be solved simply by referring to individual rights and duties. Rather, immigrants are conceived as groups organized by culture or religion and as such, the question is whether liberal democracy can and should protect groups and not just individuals. The answer of course, is guided by one's ontological take on the social world from the perspective of political action, and it raises a range of

interesting questions. Can the identity and integrity of a group be recognized politically at all (e.g. the German minority in Southern Denmark or various Muslim immigrant groups) and if so, should it be ascribed equal worth vis-à-vis the majority identity? Another perspective would perhaps also deem collective culture important, but not politically relevant. The only sort of community to be protected by state action or public law should be a purely political one, a state of law protecting individuals irrespective of gender, religion, culture, color etc. A third, perhaps more pragmatic perspective would open up for group identities to be respected by the state because they (the groups,) best empower individual autonomy. In any case, if one accepts some decree of cultural recognition or support politically, then new questions arise. First of all, what kinds of group identities are relevant and secondly, how do we prioritize worth of the individual versus the collective in cases of conflict (for an overview of the debate, see Song, 2010)?

I will not go further into the discussion here, but limit myself to note that multiculturalism can be both a sociological description of a demographic development and a normative justification (or critique) of recognition of group identities within societies dominated by a majority identity. These questions are naturally not irrelevant for the discussion of secularism and peoplehood, and some of the most recent debates on multiculturalism have indeed related to the question of state recognition of religion, in this thesis often called establishment.

Interestingly, some of the themes in these debates touch upon several points made earlier in the thesis, which is why I will briefly address them here. As an example, Tariq Modood observes that if multiculturalism as a normative justification amongst other things entails the recognition of minority religious identities, then any kind of secularism based on what I have called separation-as-exclusion would clash. ‘...Religion should play no or a highly restricted role in

politics, or at least law and governance' (Modood, forthcoming: 1). As he argues for the necessity of cultural inclusion of minority groups, he insists on another 'moderate' kind of secularism which not only holds the promise for separation-as-principled-distance, but also institutional 'state-religion connexions', what he calls moderate secularism (Modood, forthcoming: 1). It is a way for Modood to maintain secularism as a concept relevant even for regimes of establishment, but in the spirit of multiculturalism.⁹⁵ The possibility of equal inclusion of religious communities through pluralizing existing establishments into arrangement he calls 'multi-establishment', or 'public multi-faithism' (Modood, forthcoming: 12-13, see also Modood 2013: chapters 4 and 8). This reconstruction of Western European style secularism based on historical compromises has quite convincingly shown that moderate secularism, liberal political rights and the equal recognition of citizen's group identity can at least in theory be compatible in some form of establishment. As Modood argues, 'The issue, then, driving the sense of crisis of secularism in Western Europe is the place of Muslim identities, or identities that are perceived to be ethno-religious... The rising multicultural challenge and gradual weakening of the political status of Christian churches, in particular, the national churches, has been taking place at the same time' (Modood, 2013: 171-172). To use the terminology adopted in this thesis,

⁹⁵ Modood states that in order for moderate secularism to be legitimate, it must adhere to what Veit Bader has also called *Liberal-democratic morality*: '...demanding minimal morality of liberal-democratic constitutional states, adding political freedoms, political equality and political autonomy and equal respect (modern nondiscrimination) to the more minimalist concept of agency characteristic for all morality...' (Bader, 2007: 72; see also Modood, forthcoming: 8). Thus, Modood, as well as Laborde and Bader differentiate between degrees of liberal morality and how demanding it would be.

Modood then seems to suggest maintaining an institutional separation-as-principled-distance arrangement. This is supported by a universalistic peoplehood, not unlike Lisbet Christoffersen's egalitarian intertwinement as discussed earlier (containing traits of the Civil Church Model).

However, in chapter 2 this model would be placed in the quadrant called *contextual secularism*, which was inspired by Bhargava's normatively preferred model. Although Bhargava and Modood share several arguments on secularism (see e.g. Bhargava, 2011), they differ on the question of the ability of existing establishment arrangements to accommodate the demands of equal inclusion and recognition of multiculturalism. '...the multiculturalization of this secularism [i.e. Modood's moderate secularism] is neither easy nor sufficient. It is not easy because it presupposes massive change in the cultural background. Institutional adjustments are bound to be difficult because an internal link exists between the collective secular self-understanding of European societies and deeply problematic institutional arrangements. Quite plainly, current European institutions are deeply biased...' (Bhargava, 2013: 78).

I think that Bhargava points to something very important here, namely the importance of deep-seated political identity embedded into existing political institutions and language. He further argues, 'Removing biases from European states will not be easy because of resistance from the right, institutional resilience, and differences between Christianity and Islam, not to mention between Christianity and non-Semitic religious such as Hinduism. Moderate secularism will be severely tested' (Bhargava, 2013: 79). Bhargava in other words might accept that there exists some systematic and liberally based doctrines of separation in many European states, even those with establishments. Yet he does not believe that the state's accommodative and supportive approach to one historically dominant religious community can be

extended to other religious communities (for a defense of 'religious institutional pluralism' ranging from weak establishment, plural establishment to non-constitutional pluralism, see Bader, 2007: 171-173; 203).

I agree that these are the obstacles for Modood's multifaith, multiculturalist secularism, but I think Bhargava does not directly address the main underlying phenomenon producing such obstacles, the importance of *peoplehood* in secularism.

Modood underestimates what is the crucial point of my reconstruction of secularism, drawing on Smith's theory of peoplehood. Here, stating that any kind of separation doctrine, be it based on strict liberal exclusion or pragmatic state relations to religion, evokes some vision of political identity which requires more than just and fair principles of inclusion and accommodation. In other words, if Modood's multicultural secularism were to succeed, it would have to involve breaking down existing political identities based on the majority of the population.

What my analysis indicates is that within liberal democracies with established religion, the future policy choice need not to be between 'multifaith nationality' or 'monoculturalist nationalism', as Modood's prognosis would have put it (Modood 2013, 182). This is due to the fact existing state institutions like national churches play such an important subordinate part in the story of a people. If the commendable vision of multifaith nationalism was to come into existence in a Northern European context (including England), the very idea of establishment would have to be challenged and not enforced.

We saw an attempt to do exactly this in Sweden in 2000, when *Svenska Kyrkan* was almost disestablished without bringing other religious communities closer to public law regulation. In other words, religious communities in Sweden

did not achieve further equality by levelling-up, but by levelling-down. This does not need to entail the removal of religious knowledge or voice in public deliberations (on the contrary), but it does bring religious communities onto an even playing field. By this, they are able to participate in the constant negotiation of political identity, which arguably is an equal right shared with any other social group in civil society.

Building on the analysis in this thesis, it appears to me that the normative promise of multiculturalism is not the creation of political identity, but points to the legitimate claim of equal respect for all cultural entities in society. I do not dispute Modood's regimes of moderate secularism, which empirically can be observed in Europe. In many respects his model shares many similar dimensions to mine. However, I do question his unwillingness to acknowledge the persistence of political identity, which may hinder existing institutional arrangements in fulfilling the normative demands of multiculturalism. The accommodationist variant of Danish secularism can be considered central to an old establishment doctrine into an age of multiculturalism. But even so, it has not been able to follow through clear multiculturalist policies because of its dependence on Danish peoplehood.

If secularism as an ideological concept contains peoplehood as a central element, we will need to consider how separation of religion and politics can coincide with an appeal to the worth, and distinctiveness of national membership and multiculturalism. If this is the ambition, then maintaining or even strengthening the current arrangement of the Folkekirke as the only religious community subjected to potentially unfettered state regulation does not seem to be a viable solution.

Appendix I: Names and abbreviations of Danish political parties in parliament

Name	Abbreviation ⁹⁶	Seats in Parliament since the last election in 2011 ⁹⁷
Enhedslisten (<i>Red-Green Alliance</i>)	EL	12/179
Dansk Folkeparti (<i>Danish People's Party</i>)	DF	22/179
Konservative Folkeparti (<i>Conservatives</i>)	KF	8/179
Kristendemokraterne (<i>Christian Democrats</i>)	K	0//179
Liberal Alliance (<i>Liberal Alliance</i>)	LA	9/179
Radikale Venstre (<i>Social Liberals</i>)	RV	17/179
Socialdemokraterne (<i>Social Democrats</i>)	S	45/179
Socialistisk Folkeparti (<i>Socialists</i>)	SF	15/179
Venstre (<i>Liberals</i>)	V	47/179

⁹⁶ The abbreviations used of the political parties are different from the official letters representing them on campaign posters and other election materials – in order from top to bottom these are: Ø, O, C, K, I, B, A, F and V.

⁹⁷In addition to the 175 seats listed here, The Faroe Island and Greenland hold 2 seats each.

Appendix II: Legislative work concerning homosexual living arrangements

A. On registered partnership and adoption

First piece of legislation passed in 1988 as L117 (the term 'registered partnership' was originally introduced by the LGBT Denmark in 1983 to the parliament (Lauersen, 2012), and has since spread internationally). It was proposed by S and SF, and was a reproposal of the earlier rejected 1987, L182 by S, SF, RV.

It was revoked by the new marriage act, which was proposed as L106 by Minister of Social Affairs and Integration, Karen Hækkerup, and by a majority of S, RV, SF, EL and LA in a parliamentary committee passed on unaltered, then to be passed by parliament in 2012, after which only marriage is recognized.

In the intermediate time (1989-2012) several amendments to the law on partnership have been passed in parliament: e.g. on adoption by stepparents (Lov nr. 360 from 1999) or wider access to adoption and transferred parenthood (Lov nr. 537 from 2010). These were the result of a string of former attempts to expand adoption rights for same-sex couples, e.g. L91 (EL), L93 (SF), L119 (EL) and Betænkning 65 (RV) all in 2002-03, rejected in parliament.

B. On artificial insemination

Looking at the period from the initial law proposal in 1996 until 2006 the discussion in parliament of article 3 in *Law in artificial insemination in connection with medical treatment, diagnostics and research* (which allows

artificial insemination only to heterosexual women in marriage-like living arrangements), concerned the question of identifying the father more than applying limits according to sexual orientation, and the distribution of votes was fairly mixed. The legislative work in this period was:

- Submitted to processing in the parliamentary health committee: LFS 200 from 1996; LFS 61 from 1997; LF 118 from 2002; LF 187 from 2003.
- Legislation passed: BTL 5 from 1997; LF 209 from 2003; LF 188 from 2004. L151 from 2005 proposed by Minister of Health, Lars Løkke Rasmussen (V), primarily concerning other technicalities.
- Legislation rejected: LF 53 from 1998; LF 183 from 2000.
- Legislation repealed: LF 115 from 2005. Proposed by EL. All left-wing parties supported the idea, but repealed the proposal together with other parties because the proposal was considered bad legislative work.

But in 2006 during a proposal to amend some other technicalities in the law, much of the discussion during the first reading concerned article 3 in *Law in artificial insemination in connection with medical treatment, diagnostics and research*. It was therefore submitted to processing in the parliamentary health committee, in which EL, S, SF and RV would remove article 3 and make the law independent of civil status and sexual orientation. This was passed in parliament.

Abstract

This PhD thesis asks how we can conceptualize the current separation doctrine of religion and politics in a country like Denmark, where the structure of the established church and peoplehood overlap. In order to answer this question, I map the current discussion of secularism and propose two conceptual expansions. The first is to include modest establishment in a framework of secularism defensible by political liberalism, and the second is to consider secularism in close connection to a theory of peoplehood. Methodologically positioned between interpretive realism and policy analysis, I study Danish secularism as an ideological concept. I find that the conceptual structure of Danish secularism holds separation-as-principled distance at its core. Institutionally this particularly pertains to the establishment arrangement, and in practice it translates into the principle of treating everybody equally (with religious freedom, equality and Danish peoplehood as the most important principles adjacent to secularism). In a study of the historical roots of the separation doctrine and two current policy cases (same-sex marriage and reforms of church governance), I show how an ideological concept like secularism does not hold one clear and final conception. Rather, its meaning is fluid and subject to constant contestation over time. Thus based on my empirical analysis, I identify two variants of Danish secularism dominating the ideological discourse today: assertive secularism and accommodationist secularism. I argue that it is the development of these two positions, and their mutual struggle that defines the future of political conditions of the established church and other minority religious communities in Denmark.

Opsummering

Denne ph.d.-afhandling spørger hvorledes vi kan begrebsliggøre den nuværende adskillelsesdoktrin af religion og politik i et land som Danmark, hvor der er et strukturelt overlap mellem folkekirke og danskhed. For at besvare dette spørgsmål, kortlægger jeg sekularismediskussionen og foreslår i den forbindelse to begrebslige udvidelser. Den første er at inkludere moderat statsinstitutionalisering af trossamfund [*modet establishment*] inden for rammerne af sekularisme, der kan forsvares af politisk liberalisme. Den anden udvidelse medfører, at vi betragter sekularisme i tæt sammenhæng med teori om folkelighed [*peoplehood*]. Fra en metodologisk position mellem fortolkende realisme og policy-analyse studerer jeg dansk sekularisme som et ideologisk begreb. Jeg viser, at den begrebslige struktur af dansk sekularisme har 'adskillelse som principiel afstand' som sin kerne, hvilket institutionelt viser sig i form af især folkekirkeordningen og i praksis i form af princippet om at behandle alle ligeligt (med religionsfrihed og -lighed samt folkelighed som nærliggende principper). Gennem et studie af adskillelsesdoktrinens historiske rødder i Danmark og to aktuelle policy-sager (homoseksuelt ægteskab og folkekirkereformen) påviser jeg hvorledes et ideologiske begreb som sekularisme ikke rummer en klar og afsluttet betydning. Nærmere er der tale om en flydende struktur, hvis mening vedvarende bestrides over tid. Baseret på disse empiriske analyser identificerer jeg to varianter af dansk sekularisme, som dominerer den ideologiske diskurs i dag: assertiv og inkluderende sekularisme. Jeg argumenterer for, at det er udviklingen af disse to positioner og deres indbyrdes kamp, som former fremtiden for folkekirken og de andre minoritetstrossamfunds politiske vilkår i Danmark.

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